

# STATUTES OF CALIFORNIA

PASSED AT THE  
FORTY-FIRST SESSION OF THE LEGISLATURE

## CHAPTER 1.

*An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts.*

[Approved January 21, 1915. In effect immediately.]

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

SECTION 1. The board of directors of irrigation districts having an area of more than five hundred thousand acres may expend such sums as may to them seem necessary for the protection of the canal system of such district or of lands within such districts from damage by flood and from the overflow of rivers and may contribute funds for that purpose to be expended by or jointly with the government of the United States of America, or other governments or persons benefited by the same protective work or works. The board of directors of any such irrigation district may also do all things necessary to insure such irrigation system and the lands within such district from any such damage by flood or overflow without first receiving a petition of land owners or freeholders for holding an election to authorize such expenditure.

Power of  
board of  
directors.

SEC. 2. When the issuance of bonds of any such district has been authorized by vote of the electors of such district, for the purpose of protection against floods but have not been sold, the board of directors thereof may borrow for such purpose, at the rate of interest not exceeding seven per cent per annum, the amount of such authorized bond issue, but when such bonds have been sold, the amount borrowed under the provisions of this section must be repaid.

Borrowing  
money.

SEC. 3. In addition to the powers conferred by the last section, the board of directors of any such district shall have power to borrow for flood protection purposes, in any one year not to exceed two hundred thousand dollars at a rate of interest not greater than seven per cent per annum.

Borrowing  
for flood  
protection.

*Assessments.* SEC. 4. The board of directors of any such irrigation district shall within fifteen days after the close of its session as a board of equalization, levy an assessment sufficient to raise the annual interest on any outstanding bonds of such district and for any year in which any bonds shall fall due, must increase such assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature, also, sufficient to pay in full all sums due or that shall become due from the district before the time for levying the next annual assessment, also, sufficient to pay in full, the amount of any other contract or obligation of the district due or to become due within the succeeding twelve months and such further sum as, with the other revenue of the district, will meet the estimated current expenses of the district including cost of flood prevention for the succeeding twelve months.

*How governed.*

SEC. 5. Except as herein provided, every such irrigation district shall be governed by the provisions of an act of the legislature of the State of California, entitled, "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and the acts amendatory thereof.

*Urgency.*

SEC. 6. This act is hereby declared to be an urgency measure, within the meaning of section one, article four of the constitution of the State of California, and shall take effect immediately.

The facts constituting such urgency are as follows: One irrigation district which will be affected and governed by the provisions of this act, and which contains a population of over thirty thousand people, is in serious danger of loss of life, and of a vast amount of property, by reason of threatened overflow of the Colorado river. There is no other public body authorized to make the expenditures necessary to secure protection from such threatened overflow and the protective work necessary in order to be effective, must be commenced before this act would take effect without the enactment of this section. It is therefore necessary for the immediate preservation of public safety, that this act take effect immediately.

CHAPTER 2.

*An act to amend an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911, as amended February 3, 1913, by amending sections two, three, four, five, eleven and thirty-five thereof.*

[Approved January 28, 1915 In effect immediately.]

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

SECTION 1. Section two of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation." approved April 1, 1911, as amended February 3, 1913, is hereby amended to read as follows:

Sec. 2. All railroad companies, including street rail-ways, whether operated in one or more counties; all sleeping car dining car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-loading, and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel, or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state. The percentages above mentioned shall be as follows: On all railroad companies, including street railways, five and one-fourth 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 and

Tax on railroads, etc.

How computed.

ninety-five hundredths per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, one and six-tenths per cent; on all telegraph and telephone companies, four and a half per cent; on all companies engaged in the transmission or sale of gas or electricity, five and one-fourth 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 provided in section fourteen of article thirteen of the constitution of this state. The word "municipal" as used in this act shall apply to incorporated towns and cities formed under article eleven of the constitution of this state and to none other.

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

Insurance  
companies.

Sec. 3. Every insurance company or association doing business in this state shall annually pay to the state a tax of two 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 two 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 provided in the constitution of this state; *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 must be imposed by the insurance commissioner upon insurance companies of such other state or country doing business in this state.

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

Banks

Sec. 4. 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 hereinafter provided, 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 and two-tenths 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 bank, except county and municipal taxes on real estate and except as otherwise provided in the constitution of this state. 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 hereinafter provided, 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 same manner as above provided for incorporated banks, 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 section. In the case of a branch, an agency, or other representative of any bank doing business outside of this state, the capital of said branch, agency, or representative used in this state shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March. The value of said property shall be determined by taking the entire property invested in such business, together with all 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 or banker 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 section, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state. 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 this section. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this section, 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 would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and

Value of capital stock

Reserve

Determination of value of property.

"Banks" had shares of capital stock. The word "banks" as used in this act shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

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

Other  
franchises

SEC. 5. All franchises, other than those of the companies mentioned in sections two, three and four of this act, shall be assessed at their actual cash value, after making due deduction for good will, in the manner hereinafter provided, and shall be taxed at the rate of one and two-tenths per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state. These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this state and the actual exercise of the right to do business as a corporation in this state when such right is exercised by a corporation incorporated under the laws of any other state or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil or other substances.

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

Insurance  
commis-  
sioner's  
report

SEC. 11. The insurance commissioner of this state must on or before the last day of March in each year make and file with the state board of equalization a report showing:

1. All companies, domestic and foreign, and all firms, associations, or persons, engaged in the business of insurance in this state

2. The total amount of the gross premiums received from its business in this state by each of said companies, firms, associations, and persons during the year ending the thirty-first day of December last preceding

3. The amount of return premiums paid on business done in this state and the amount of reinsurance on business done in this state paid to other insurance companies or associations authorized to do business in this state, by said companies, firms, associations, and persons, during said year

4. The amount of any county and municipal taxes paid during said year by such companies on real estate owned by them in this state, and where said real estate is located.

In making this report he shall list separately all those companies, firms, associations, or persons, which, under the second proviso in subdivision (b) of section fourteen of article thirteen of the constitution and of section three of this act, are subject to a tax at a rate higher than two per cent on their gross

premiums, or to any additional tax or burden, and shall indicate in each case the amount and character of said tax or burden.

Every company, firm, association, or person engaged in the business of insurance in this state shall file with the insurance commissioner on or before the first Monday in March in each year such statements in addition to, or in modification of, the statements required to be rendered under the provisions of article sixteen of chapter three of title one of part three of the Political Code as said insurance commissioner shall deem necessary to enable him to prepare the report required of him in this section and said statements shall be verified in the same manner as is provided for the verification of other statements by insurance companies in section six hundred ten of the Political Code, except that, those filed by foreign companies shall be verified by the oath of the manager thereof residing within this state.

Report of insurance companies.

Sec. 6. Section thirty-five of said act is hereby amended to read as follows:

Sec. 35. In so far as the rates of taxation upon the property and franchises described and enumerated in section fourteen of article thirteen of the constitution of the State of California and in section one of said act approved April 1, 1911, as amended February 3, 1913, differ from the rates of taxation upon such property and franchises as fixed and defined by this act, it is hereby declared to be the intent and purpose of the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, by virtue of the authority conferred upon the legislature by subdivision f of section fourteen of article thirteen of the constitution to change the rates of taxation heretofore fixed and imposed by said section of the constitution and enumerated and specified in said act approved April 1, 1911, as amended February 3, 1913, to the rates fixed, determined, established and set forth by and in this act.

New rates fixed.

This tax levy, and each and every of the percentages or rates of taxation herein and hereby determined, made, fixed and established to be paid by the persons, firms, companies and corporations specified, described or included in section fourteen of article thirteen of the constitution, are and have been determined, made, fixed and established after a full, complete, open and public investigation and hearing by and before this legislature upon and respecting the value of each and all of the properties and franchises included within or enumerated in section fourteen of article thirteen of the constitution, and of all other and different property subject to taxation of any kind within the State of California, of which investigation and hearing every and all persons, firms, companies and corporations concerned therein or affected thereby had due notice; and at which investigation and hearing the legislature took oral and written evidence and at which hearing every and all persons, firms, companies and corporations concerned therein or affected thereby and who desired so to do, were given an

Rates fixed after public investigation.

opportunity to and did appear and were heard and introduced evidence before this legislature respecting and showing the value of said properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution and also respecting and showing the value of all other and different property subject to taxation of any kind within the State of California, and after the due consideration of all of said evidence by this legislature and its ascertainment and determination therefrom and thereon of the value of said and all of said hereinbefore mentioned properties and franchises; and the percentages or rates of taxation herein and hereby determined, fixed and established have been and are determined, fixed and established, and have been and are based, upon the value of each, all and every of the properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution as ascertained and determined as aforesaid by this legislature and constitute and are the percentages or rates of taxation ascertained and determined by this legislature which when applied in the manner provided and required by law, do and will levy a tax upon said properties and franchises included within or enumerated in said section fourteen of article thirteen of the constitution in proportion to the value of the same and in proportion to the value of every and all other and different property subject to taxation of any kind within the State of California as ascertained and determined as aforesaid by this legislature.

In effect  
immediately.

SEC. 7. This act, inasmuch as it provides for a tax levy, shall, under the provisions of section one of article four of the constitution, take effect immediately.

### CHAPTER 3.

*An act to appropriate money to pay the cost of rental, porter service, cost of moving, and other expense necessary to the location and maintenance of state offices in Sacramento outside the capitol building for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

Appropriation rental, etc. of state offices in Sacramento.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the cost of rental, porter service, cost of moving and other expenses necessary to the location and maintenance of state offices in Sacramento outside the capitol building for the sixty-sixth fiscal year. The money so appropriated shall be expended through the office of the superintendent of capitol building and grounds.

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

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CHAPTER 4.

*An act to appropriate money to pay the expenses incurred in the publication of bond acts presented to the people at the election of November 3, 1914.*

[Approved January 30, 1915. In effect immediately.]

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

SECTION 1. The sum of thirty-one thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expenses incurred in the publication of the San Francisco state building act, the state building bonds act, the state fair grounds bonds act, the University of California bonds act, and the Los Angeles state building bonds act, which acts were published in accordance with section one of article sixteen of the constitution, and were voted upon by the people at the election held on November 3, 1914.

Appropriation. publication of bond act. 1914.

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

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CHAPTER 5.

*An act to appropriate money to supplement the appropriation for the emergency fund for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to supplement the appropriation provided for in the general appropriation bill for the sixty-fifth and sixty-sixth fiscal years, said amount to be expended only upon unanimous vote of the board of control and approved by the controller.

Appropriation emergency fund

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

## CHAPTER 6.

*An act to appropriate money for the support and maintenance of the state prison at San Quentin for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

Appropriation  
San  
Quentin.

SECTION 1. The sum of two hundred thirty-two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support and maintenance of the state prison at San Quentin for the sixty-sixth fiscal year.

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

## CHAPTER 7.

*An act to appropriate money to pay additional salaries at the Los Angeles State Normal School for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

Appropriation  
additional  
salaries  
L A  
Normal.

SECTION 1. The sum of nine thousand six hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay additional salaries at the Los Angeles State Normal School for the sixty-sixth fiscal year.

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

## CHAPTER 8.

*An act to appropriate money for additional support at the Los Angeles State Normal School for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

Appropriation  
additional  
support  
L A  
Normal

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for additional support at the Los Angeles State Normal School for the sixty-sixth fiscal year.

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

CHAPTER 9.

*An act to appropriate money to pay the claim of the Petaluma and Santa Rosa Railway Company upon judgment rendered against the State of California.*

[Approved January 30, 1915. In effect immediately.]

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

SECTION 1. The sum of twelve thousand four hundred twenty-two dollars and twenty-five cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the judgment claim of the Petaluma and Santa Rosa Railway Company for the return of taxes erroneously assessed and collected by the State of California.

Appropriation  
judgment  
claim  
P & S R  
Ry Co

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

CHAPTER 10.

*An act to appropriate money to pay the deficiency in the appropriation for printing and distributing constitutional amendments for the sixty-fifth and sixty-sixth fiscal years.*

[Approved January 30, 1915. In effect immediately.]

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

SECTION 1. The sum of six thousand six hundred forty-nine dollars and nineteen cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for printing and distributing constitutional amendments for the sixty-fifth and sixty-sixth fiscal years.

Appropriation  
constitutional  
amendments  
printing  
deficiency

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

## CHAPTER 11.

*An act to appropriate money to supplement the support appropriation of the Whittier State School for the sixty-sixth fiscal year.*

[Approved January 30, 1915. In effect immediately.]

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

Appropriation supplemental support of Whittier.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to supplement the support appropriation of the Whittier State School for the sixty-sixth fiscal year.

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

## CHAPTER 12.

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

[Approved January 30, 1915. In effect immediately.]

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

Appropriation legislative printing

SECTION 1. The sum of seventy-two thousand five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated; sixty-five thousand dollars to defray the expense of legislative printing; seven thousand five hundred dollars, or so much thereof as may be necessary, to defray the expense of mailing handled by the superintendent of state printing during the forty-first session of the legislature of the State of California.

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

CHAPTER 13.

*An act authorizing the state board of prison directors to fix the price, terms and conditions of sale at which jute bags should be sold for the state, providing for the prosecution and punishment for offenses under the same, and repealing an act entitled, "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution and punishment for offenses under the same," approved June 16, 1913, and all acts or parts of acts in conflict herewith.*

[Approved January 30, 1915. In effect immediately.]

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

SECTION 1. The state board of prison directors are authorized and empowered to adopt rules and regulations of the sale of jute goods, but such rules and regulations, before they become effective, shall be approved by a majority of the state board of control. The state board of prison directors shall annually, in the month of January of each year fix the price, for the sale of jute bags, and give public notice of the same, for at least ten days in at least four newspapers of general circulation printed and published as follows, to wit: one in the city and county of San Francisco, one in the San Joaquin valley, one in the Salinas valley, and one in the Sacramento valley. Until the first day of April of each year, jute bags shall be sold only to consumers thereof, but after said date, if a surplus of said jute bags remain unsold, they may be sold to anyone in such quantities and at such prices as the board of prison directors in their discretion may deem proper.

Sale of  
jute goods,  
prices, etc

SEC. 2. All orders for jute bags filed with the board of prison directors prior to the first day of April of each year, shall be accompanied by an affidavit setting forth the name, residence, post office address and occupation of the applicant; that the amount of goods contained in the order are for the applicant's individual and personal use, and that he has not contracted for, nor agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit shall be subscribed and sworn to before a notary public, justice of the peace, or other officer authorized to administer oaths.

Orders  
accompanied  
by affidavit.

SEC. 3. Any person who shall falsely or fraudulently make such affidavit, or who shall falsely or fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred dollars.

Penalty for  
false  
affidavit.

SEC. 4. The board of prison directors shall keep at the San Quentin prison a book for public inspection, in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his post office address, his occupation, number of jute

Public  
record.

bags or jute goods purchased by him, and the price paid by him therefor and the date of sale and the place to which shipment is made.

Act 1913  
repealed.

SEC. 5. An act entitled, "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution and punishment for offense under the same;" approved June 16, 1913, and all other acts and parts of acts in conflict with this act are hereby repealed.

Urgency.

SEC. 6. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California and shall take effect immediately. The following is a statement of facts constituting such urgency: Since the fixing of the present price of jute goods manufactured in the state prison, the market price has fallen on account of financial conditions incident to the European war, and the state has been, now is, and, until the taking effect of this act, will be unable so to change the price of said goods as to be able sell or dispose of any portion thereof. The state now has in stock over two hundred fifty thousand dollars worth of such jute goods, which it is the purpose and effect of this act to enable the state, acting through its board of prison directors, to sell, in order that the moneys now invested in said goods may be rendered available for the use and support of the state prison.

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## CHAPTER 14.

*An act to amend section three thousand eight hundred twenty-three of the Political Code, relating to the collection of taxes by the assessor.*

[Approved January 30, 1915. In effect immediately.]

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

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

Assessor  
governed in  
amount of  
taxes to be  
collected

3823 In the enforcement of the provisions of section three thousand eight hundred twenty of this code the assessor shall be governed, as to the amount of taxes to be collected by him on property mentioned in said section, by the state rate (if any), the county rate, the special school district, road district, and other local district rates for the locality in which such property is taxable for the previous year; *provided*, that for the assessment year one thousand nine hundred fifteen, beginning on the first Monday in March of said year, no collection of state taxes shall be made by the assessor in aid of the Panama-Pacific International Exposition under the provisions of section twenty-two of article four of the constitution of California, as amended November 8, 1910.

SEC. 2 This act, inasmuch as it provides for a tax levy shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 15.

*An act to make an appropriation to pay the mileage of assemblymen for the forty-first session of the legislature of the State of California during the sixty-sixth fiscal year.*

[Approved March 18, 1915. In effect immediately.]

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

SECTION 1. The sum of five hundred dollars (\$500.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the mileage of assemblymen for the forty-first session of the legislature of the State of California during the sixty-sixth fiscal year.

Appropriation:  
mileage of  
assemblymen.

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

CHAPTER 16.

*An act amending section three of an act entitled "An act authorizing the construction of the unfinished portion of the library building of the University of California, and the construction of a building for general use as a recitation building, of a building for the use of the college of agriculture, and of a building for the use of the college of natural sciences as a chemistry building, upon the grounds of said University of California at Berkeley; providing for the issuance and sale of state bonds to meet the cost of the foregoing purposes; and providing the necessary moneys for the payment of the principal and interest to become due on said bonds," adopted as an initiative measure by vote of the people November 3, 1914.*

[Approved March 26, 1915. In effect August 8, 1915.]

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

SECTION 1. Section three of an act entitled "An act authorizing the construction of the unfinished portion of the library building of the University of California, and the construction of a building for general use as a recitation building, of a building for the use of the college of agriculture, and of

a building for the use of the college of natural sciences as a chemistry building, upon the grounds of said University of California at Berkeley; providing for the issuance and sale of state bonds to meet the cost of the foregoing purposes; and providing the necessary moneys for the payment of the principal and interest to become due on said bonds," and adopted as an initiative measure by vote of the people November 3, 1914. is hereby amended to read as follows:

Sale of  
bonds on  
direction of  
governor.

Sec 3. 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, from time to time, sell such number thereof as the governor of the state may direct to the highest bidder for cash. The governor of the state shall, from time to time, 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 regents of the University of California. Such resolution shall specify the amount of money which, in the judgment of said the regents of the University of California, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of bonds as will, at the par value thereof, equal said amount of money so required according to such resolution of the regents of the University of California. Said bonds shall be sold in consecutive numerical order, save and except that the state treasurer may sell two or more bonds at the same time in one lot, which lot, however, shall be made up of bonds consecutively numbered, the first of which in number shall be the first bond in number yet unsold. The state treasurer shall not accept any bid which is less than the par value of the bond or bonds bid for, and to the amount of the accepted bid there shall be added in each case, as a part of the purchase price to be paid by the bidder, the amount of interest which shall have accrued on the bonds bid for between the date of the payment for said bonds and the last preceding interest maturity date. Each bid shall be in writing and signed by the bidder and sealed, and shall be deposited with the state treasurer not later than the last business day preceding the date of sale. Each bid shall be accompanied by the deposit with the state treasurer, either in cash or by certified check on a reputable bank within the State of California, to the order of the State of California, of one-tenth of the amount of the par value of the bond or lot of bonds bid for. Such deposit of each unsuccessful bidder shall be returned to him immediately upon the non-acceptance of his bid, and such deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the state treasury to the credit of the "University of California building fund" hereinafter mentioned, and shall be credited to the successful bidder upon the purchase price of the bonds bid for in case such price is paid in full by him within the time hereinafter prescribed. At the time of sale the state treasurer shall open said bids and accept the bid of

Bids.

Deposit of  
cash or  
check

Opening  
of bids.

the highest bidder for cash, save and except that no bid shall be accepted which is lower in amount than the par value of the bonds bid for, and that the state treasurer may, in his discretion, reject all bids. The purchase price of the bonds sold shall be payable within ten days after the acceptance of the bid therefor, and if not so paid the successful bidder shall have no right in or to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the state treasurer upon notice as hereinafter provided in case of original sale. Bonds sold shall be deliverable to the purchaser immediately upon, and not before, the payment of the purchase price therefor. Before delivering any of said bonds, the state treasurer shall detach therefrom all interest coupons which have matured before the date of the payment of the purchase price therefor. The state treasurer may, by public announcement at the time and place fixed by him for said sale, continue such sale to such time and place as he may at the time of said continuance designate. When a sale is so continued no notice thereof need be given, other than the public announcement of such continuance by the state treasurer as just hereinbefore provided. 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, in one newspaper published in the city of Los Angeles, in one newspaper published in the city of Oakland, 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 expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

Purchase price payable in ten days.

Matured interest coupons to be detached.

Sale may be continued.

Publication of notice

There is hereby created in and for the state treasury a fund to be known and designated as the "University of California building 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 "University of California building fund" the total amount received from the sale of 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 a fund to be known as the "interest and sinking fund of the University of California building bonds."

"University of California building fund" created.

The moneys placed in the "University of California building fund," pursuant to the provisions of this section, shall be used under the direction of the regents of the University of California exclusively for the completion of the construction of said library building and the construction of the other buildings hereinbefore mentioned.

Use of moneys

How drawn Moneys shall be drawn from said "University of California building fund" for the purposes of this act, upon warrants duly drawn by the controller of the state, upon claims made by the regents of the University of California and approved by the state board of control.

CHAPTER 17.

An act to legalize bonds issued and to be issued and sold by Imperial Irrigation District.

[Approved March 26, 1915. In effect immediately.]

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

Bonds of Imperial irrigation district validated

SECTION 1. Bonds of Imperial Irrigation District for the amount of \$3,500,000.00, dated January 1, 1915, and issued by virtue of resolution of the board of directors of Imperial Irrigation District passed November 2, 1914, and by virtue of an election held in said Imperial Irrigation District on the 29th day of October, 1914, and all the acts and proceedings of said irrigation district leading up to and including the issuance and sale of said bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and all such bonds sold or exchanged either before or after the passage of this act are hereby legalized and declared to be legal and valid obligations of and against said irrigation district.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section one article four of the constitution of the State of California and shall take effect immediately.

The facts constituting such urgency are as follows:

The bonds herein mentioned were authorized by vote of the electors of said district for the purpose of purchasing the irrigation system by which the people of said district are furnished with water for irrigation and domestic purposes and of protecting such irrigation system and thereby the people in it from destruction by flood of the Colorado river.

This district with its population of over thirty thousand people is in great danger of loss of life and property by such threatened overflow during the approaching summer. It is necessary for protection against such danger that said district be enabled to sell such bonds and owing to the many new features presented in this new district upon which no judicial precedents exist, it is impossible to sell the bonds herein mentioned unless they are validated.

The flood season of the Colorado river is the month of May and in order that the proceeds of such bonds may be available in time to meet such flood this act must take effect upon its passage. It is therefore necessary for the immediate preservation of public safety that this act take effect immediately.

CHAPTER 18.

*An act to regulate the distribution of date palms and date palm offshoots and to hold the same in quarantine under the supervision of the state commissioner of horticulture until they are free from Marlatt scale (*Phœnicococcus marlatti*) and Blanchard scale (*Parlatoria blanchardii*) when introduced from, or grown in, any infested locality within this state or from other states, or if of foreign introduction, after they have been released by the federal horticultural board, and to fix a penalty for violation of this act.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

SECTION 1. It shall be unlawful for any person, or persons, their agent or agents, employee or employees, possessing or owning date palms or date palm offshoots, or who may introduce palms from any region of this state, or any other state, or from foreign countries after they have been released by federal authorities, which are infested with either of the two scales (*Phœnicococcus marlatti*) and (*Parlatoria blanchardii*), to place or plant the same except under the supervision and direction of the state quarantine guardian of the county where the said date palms or date palm offshoots have been introduced

Planting of infested date palms prohibited

SEC. 2. It shall also be unlawful for any person, or persons, their agent or agents, employee or employees, to move any date palms or date palm offshoots after the same have been planted until permission is granted by the aforesaid state quarantine guardian, or until inspection has shown that the said date palms or date palm offshoots are entirely clean of the Marlatt scale (*Phœnicococcus marlatti*), and the Blanchard scale (*Parlatoria blanchardii*), which fact shall be ascertained by the aforesaid state quarantine guardian, when he may consent to the removal, either to an infested district or to an uninfested district.

Unlawful to remove palms.

SEC. 3. Any one who shall violate any of the provisions of this act shall upon conviction be deemed guilty of a misdemeanor.

Penalty.

CHAPTER 19.

*An act to amend section one hundred sixty-two a of the Political Code, establishing the legal distance from the county seat of Imperial county to Sacramento.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

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

162a. From the county seat of Imperial county to Sacramento, six hundred sixty-one miles.

Distance to Sacramento.

## CHAPTER 20.

*An act to provide for the separation of the deaf and the blind departments in the California School for the Deaf and the Blind.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

Separation  
of deaf  
and blind  
departments.

SECTION 1. The board of directors of the California School for the Deaf and the Blind are hereby authorized and empowered, with a view to the separation of the departments of the deaf and the blind in said school, to select and purchase as soon as the necessary funds for said purpose shall have been appropriated, and subject to the approval of the state board of control, a suitable tract of land for the purpose of effecting said separation.

## CHAPTER 21.

*An act prohibiting the sale, gift or delivery of intoxicating liquor at public schoolhouses, and prescribing penalties for the violation of any provision hereof.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

Sale of  
liquors at  
public  
schools  
prohibited.

SECTION 1. Any person, firm, association or corporation that sells, gives or delivers to any person any intoxicating liquor at any public schoolhouse or upon any portion of the grounds thereof, is guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars or by imprisonment in a county jail not to exceed six months, or by both such fine and imprisonment.

Penalty.

SEC. 2. Any person, firm, association or corporation convicted of the violation of any provision of this act shall, for a period of one year from and after such conviction, be barred from having or receiving any privilege accorded by that certain act entitled "An act providing for the free use of all public schools and property, and to establish a civic center at each and every public schoolhouse in the State of California, and to provide for the maintenance, conduct and management of the same," approved June 6, 1913.

CHAPTER 22.

*An act to amend sections two and three of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, is hereby amended to read as follows:

Sec. 2. Examinations as provided for in this act shall be held at least every six months at such times and places as the board shall direct and according to the rules and regulations of said board. Public notice of such examination shall be given by publishing the same at least two weeks prior to the date of each examination in two or more papers of general circulation, and one nursing journal, to be selected by said board; all of said papers and said nursing journal shall be published within the State of California. Upon filing application for examination each applicant shall pay an examination fee of ten dollars, which shall in no case be returned to the applicant. No further fee shall be required for registration.

Examina-  
tions held  
every six  
months.

Fee.

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

Sec 3. Examinations may be conducted by the state board of health or by a special committee of three examiners to be appointed by the board at least thirty days prior to each

How exam-  
inations  
shall be  
held

examination, under such rules and regulations as may be prescribed by said board. If such special committee of examiners be appointed, they shall prepare and submit to the board, at least ten days prior to the examination, all questions for such examination, which may be approved, rejected, changed or altered in any manner by and at the discretion of said board. Said examiners shall be paid their necessary traveling expenses and such compensation as shall be fixed by the state board of health. All expenses of conducting said examinations shall be paid from the fund hereinafter mentioned in the manner therein provided. If the examinations be conducted by said examiners, they shall mark all examination papers of applicants and render to the board, within ten days thereafter, a report of the same in such form as may be prescribed by the board, which may change the grading on any paper. The board shall finally pass or reject all applicants, and its actions shall be final and conclusive and not subject to review by any court or other authority. The board shall issue to each successful applicant a certificate provided for in this act.

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## CHAPTER 23.

*An act to provide that the department of engineering of the State of California may acquire for and in the name of the people of the State of California, by purchase, donation, dedication or by proceedings in eminent domain, additional rights of way, land and trees on and along the course of any state highway.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

Additional  
rights of  
way along  
state  
highways.

SECTION 1. The department of engineering may acquire for and in the name of the people of the State of California, by purchase, donation, dedication or by proceedings in eminent domain, rights of way, land or trees and ground necessary for the culture and support thereof on or along the course of any state highway, within a maximum distance of three hundred feet on each side of the center thereof, in any case when the acquisition of such rights of way, land and trees will be for the benefit of a state highway in aiding in the maintenance and preservation of the roadbed of such highway or aid in the maintenance and preservation of the attractions and scenic beauty thereof.

CHAPTER 24.

*An act to confirm, validate and legalize assessments of property and taxes due thereunder entered and contained in assessment books or rolls from which assessment books or rolls the clerk of the board of supervisors and auditor omitted to attach and enter the affidavit or certificate, or both such certificate and affidavit, required by the provisions of sections three thousand six hundred eighty-two and three thousand seven hundred thirty-two of the Political Code, and to confirm, validate and legalize all sales, certificates of sale, tax deeds, or other tax conveyances issued under and based upon any such assessments and taxes.*

[Approved April 1, 1915. In effect August 8, 1915.]

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

SECTION 1. All assessments of property heretofore duly and legally assessed, entered, and contained in any assessment book or roll of any county, which said assessment book or roll is defective by reason of the omission of the clerk of the board of supervisors and the county auditor, or either or both of them, to attach and affix to said assessment book or roll the affidavit or certificate, or both such affidavit and certificate, required by the provisions of sections three thousand six hundred eighty-two and three thousand seven hundred thirty-two of the Political Code, and any and all taxes duly levied and extended upon the assessment of any property so entered and contained in any such assessment book or roll, and any sale, certificate of tax sale, tax deed, or other tax conveyance duly given and issued based upon any assessment, or tax or tax delinquency entered and contained in any such assessment book or roll, are hereby confirmed, validated and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things required by law had been properly performed, attached and affixed in the first instance.

Defective  
tax assess-  
ments  
validated.

SEC. 2. This act shall not apply to any assessment, tax, tax deed, or other tax conveyance which was or is in litigation at the time this act takes effect.

## CHAPTER 25.

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

[Approved April 2, 1915. In effect August 8, 1915.]

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

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

Counties of  
55th class,  
salaries of  
officers.

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, one thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, fifteen hundred dollars per annum; *provided*, that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury.
6. The tax collector, twelve hundred dollars per annum.
7. The assessor, three thousand dollars per annum; *provided*, that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes, road and hospital taxes, shall be paid into the county treasury.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand dollars per annum which said sum of one thousand dollars shall also be in full payment of the services of such superintendent of schools upon the board of education.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. In counties of this class the justices of the peace shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month; *provided, however*, that the justice of the peace residing at the county seat shall receive twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand.

Full com-  
pensation.

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil

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

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

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1910. Population

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

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

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

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

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CHAPTER 26.

*An act authorizing any municipal corporation, using the word "city" in its corporate name, to change such word to "town" and providing the procedure therefor.*

[Approved April 2, 1915 In effect August 8, 1915.]

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

SECTION 1. Any municipal corporation within this state, except freeholder charter cities, may eliminate the word "city" in its corporate name and insert in place thereof, the word "town," as in this act provided. The council, board of trustees or other legislative body of such municipal corporation may, by ordinance, upon receiving a petition asking that the

"City" may be changed to "town."

word "city" be eliminated or dropped from the corporate name of such municipality and the word "town" be substituted therefor, signed by not less than twenty-five per cent of the qualified electors thereof, as shown by the vote cast at the last municipal general election held therein, eliminate the word "city" from the corporate name of such municipality and substitute in place thereof, the word "town." Upon the adoption of such ordinance, the clerk of such municipality must file a statement with the secretary of state and also with the board of supervisors of the county within which the municipal corporation is situate, stating the filing of such petition and the adoption of such ordinance and from thenceforth and thereon, the name "town" shall take the place of and be deemed substituted for the word "city" in such corporate name.

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## CHAPTER 27.

*An act to amend an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, by amending sections three, nineteen, twenty-one and twenty-six of said act.*

[Approved April 7, 1915. In effect August 8, 1915.]

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

SECTION 1. Section three of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, is hereby amended to read as follows:

Petition

Sec. 3. A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed water district is located, signed by the registered voters within the boundaries of the proposed water district, equal in number to at least ten per centum of the number of votes cast in said proposed county water district for the office of governor of this state at the last general election prior to the presenting of the petition, *provided*, that where one or more municipal corporations or part thereof is included in such proposed water district, such petition must be signed by at least ten per centum of the qualified electors of each such municipal corporation or part thereof and of the unincorporated territory included in such proposed water district so voting at such election. Such

petition shall set forth and describe the proposed boundaries of such water district, and shall pray that the same be incorporated under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Boundaries of district.

Publication.

With such publication there shall also be published a notice of the time of the meeting of the board when such petition will be considered and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon together with such written protests as shall have been filed with the clerk of the board prior to such hearing by or on behalf of owners of taxable property situated within the boundaries of the proposed district and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which would be benefited by the formation of such district: nor shall any lands which will not, in the judgment of said board, be benefited by such district be included within such proposed district. Any person whose lands are benefited by such district may upon his application, in the discretion of said board, have such lands included within said proposed district.

Time of consideration.

Final hearing.

Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise. Upon the final determination of the boundaries of the district the board of supervisors shall give notice of an election to be held in said proposed water

Must hear testimony

Suit commenced within one year

Election.

Proposition submitted

Who may vote.

Certificate of secretary of state

District deemed incorporated

Water rates.

district for the purpose of determining whether or not the same shall be incorporated, the date of which election shall be not more than sixty days from the date of the final hearing of such petition. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "\_\_\_\_\_ county water district"), and this notice shall be published at least two weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in said county. At such election the proposition to be submitted shall be: "Shall the proposition to organize \_\_\_\_\_ county water district under (naming the chapter containing this act) of the acts of the fortieth session of the California legislature and amendments thereto be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of electors under the general election laws of the state. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election in each municipal corporation or part thereof and in the unincorporated territory included in such proposed water district shall be in favor of organizing such county water district, said board shall by an order entered on its minutes declare the territory enclosed within the proposed boundaries duly organized as a county water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the secretary of state and shall cause to be recorded in the office of the county recorder of the county in which such district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten days, issue his certificate reciting that the county water district (naming it) has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate, the district named therein shall be deemed incorporated as a county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails but without prejudice to renewing proceedings at any time in the future.

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

Sec. 19. The board of directors shall fix all water rates, subject to the power of the state railroad commission to fix rates for water furnished to municipal corporations and their

inhabitants, and shall through the general manager collect the charges for the sale and distribution of water to all customers.

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

Sec. 21. If, from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, or any other expenses or claims against the district, then the board of directors must at least fifteen days before the first day of the month in which the board of supervisors of the county or city and county in which such water district is located is required by law to levy the amount of taxes required for county or city and county purposes and furnish to the board of supervisors and to the auditor respectively an estimate in writing of the minimum amount of the money required by the district for that purpose, and the board of supervisors of such county or city and county, must annually, at the time and in the manner of levying other county or city and county taxes, and until all such claims are fully paid levy and cause to be collected a tax to be known as the "\_\_\_\_\_ county district water tax." Supervisors  
to levy  
water tax.

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

Sec. 26. Nothing in this act shall be so construed as repealing or in any wise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by counties or municipalities within this state. The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter organized for municipal purposes within such water districts. The term "county" shall be understood and construed to include "city and county." In municipalities in which there is no mayor the duty imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees or other chief executive of the municipality. The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "boards of directors" shall apply to the board of directors of such district. Any county water district heretofore organized under the provisions of the act of which this act is amendatory shall enjoy all the powers herein granted and the organization of such districts and all proceedings leading to such organization are hereby affirmed and validated and such districts are hereby declared to be duly organized and incorporated. Definitions.

## CHAPTER 28.

*An act to amend section four hundred twenty-seven of the Code of Civil Procedure.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

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

Causes of  
action  
which may  
be united.

427. The plaintiff may unite several causes of action in the same complaint, where they all arise out of:

1. Contracts, express or implied;
2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;
3. Claims to recover specific personal property, with or without damages for the withholding thereof;
4. Claims against a trustee by virtue of a contract or by operation of law;
5. Injuries to character;
6. Injuries to person;
7. Injuries to property;
8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.

Causes  
united must  
belong to  
one class.

The causes of action so united must all belong to one only of these classes, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to character or to the person; *provided, however*, that in any action brought by the husband and wife, to recover damages caused by any injury to the wife, all consequential damages suffered or sustained by the husband alone, including loss of the services of his said wife, moneys expended and indebtedness incurred by reason of such injury to his said wife, may be alleged and recovered without separately stating such cause of action arising out of such consequential damages suffered or sustained by the husband; *provided, further*, that causes of action for injuries to person and injuries to property, growing out of the same tort, may be joined in the same complaint, and it is not required that they be stated separately.

CHAPTER 29.

*An act to amend section four thousand two hundred fifty-seven of the Political Code, relating to the compensation of county and township officers of counties of the twenty-eighth class, and to the number, appointment and salaries of their assistants and deputies.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

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

4257. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit: Counties of 28th class, salaries of officers

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register, *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy who shall be appointed by said county clerk, who shall be paid a salary of twelve hundred dollars per annum, said salary to be paid in monthly installments at the same time, in the same manner, and out of the same fund as the county clerk is paid, said deputy to be in lieu of the deputy now allowed to the county clerk under subdivision nineteen of section four thousand two hundred and fifty-seven of the Political Code of the State of California. County clerk.

2. The sheriff, fifty-one hundred dollars per annum, and he is hereby allowed, in addition thereto, one under-sheriff to be appointed by him, who shall receive twelve hundred dollars per annum, whose salary shall be paid by the county, in monthly installments, at the same time and in the same manner and out of the same fund as the sheriff is paid; *provided, however*, that said under-sheriff shall be in lieu of the deputy now allowed under subdivision nineteen of section four thousand two hundred fifty-seven of the Political Code of the State of California. Sheriff.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording, mining and other location notices. Recorder.

4. The auditor, two thousand dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section three thousand eight hundred and seventeen of this code the sum of twenty-five cents for each tax sale if the property is delinquent. Auditor.

for two years or less: the sum of fifty cents for each sale if the property is delinquent for more than two years. If said estimates are returned to the auditor and redemptions made within thirty days from date of issue and prior to the change of penalty, as provided for in section number three thousand eight hundred and seventeen of this code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimate.

**Treasurer.** 5. The treasurer, twenty-four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

**Tax collector.** 6. The tax and license collector, two thousand dollars per annum: *provided*, that one-half of all commissions received by the tax collector on the collection of licenses shall be paid into the county treasury.

**Assessor.** 7. The assessor, three thousand dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive not to exceed four dollars per day while engaged in the performance of their duties: *provided*, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year; *provided*, that all commissions heretofore retained by the county assessor shall be paid into the county treasury.

**District attorney.** 8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum; *provided*, that the district attorney is entitled to receive and retain for his own use fifteen dollars to be taxed as costs for each suit brought under the provisions of article six, chapter one, title eight of part three of the Political Code.

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

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

**Superintendent of schools.** 11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county; and there shall be, and there is allowed to the superintendent in addition, a clerk or bookkeeper, who shall be appointed by the superintendent of schools, who shall be paid a salary of six hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the same manner and out of the same fund as the salaries of county officers are paid.

**Surveyor.** 12. The surveyor, ten dollars per day for all work performed for the county, and, in addition thereto, all necessary expenses and transportation for work performed in the field,

which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred ten as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class, townships having a population of two thousand five hundred and less than three thousand shall belong to and be known as townships of the second class: townships having a population of one thousand eight hundred and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of fourteen hundred twenty-five and less than fourteen hundred fifty shall belong to and be known as townships of the fourth class, townships having a population of fourteen hundred fifty and less than eighteen hundred shall belong to and be known as townships of the fifth class, and townships having a population of less than fourteen hundred twenty-five shall belong to and be known as townships of the sixth class.

Classification of townships

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Justices of the peace.

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial, three dollars: and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

Fees.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding same, fifty cents.

## Fees

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when that coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

## Constables.

15 Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month, in townships of the third class, seventy-five dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for

his own use, collect the following fees, and no others, in civil <sup>Fees.</sup> actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the

levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

Census of  
newly  
created  
townships

16. It is expressly provided that in counties of this class, where a township has been created, or may hereafter be created out of any township, the population of which is shown in the federal census of nineteen hundred ten, the population of the newly created township and the population of the township from which the newly created township was taken shall be separately ascertained and determined by the board of supervisors in the following manner: By appointing a suitable person in each of such townships to take said census, and said census shall be taken by said person so appointed of all the inhabitants of each of said townships; the full name of each person shall be fully written, the names alphabetically and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the county clerk, and thereupon the same shall be the official census of said township or townships. The expense of taking said census shall be a county charge. From the taking of such census the salary of the justices of the peace and of the constables of the newly created township, and the township from which the newly created township was taken, shall be estimated and paid on the basis of the classification hereinbefore given under the federal census of nineteen hundred ten pro rata according to the population of the newly created and former township as shown by the census taken as hereinbefore provided to be ascertained and determined by the board of supervisors. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

Supervisors.

17. Each member of the board of supervisors, fifteen hundred dollars per annum and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors: *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

Jurors.

18. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only, per mile fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the

amount to which each juror is entitled, and the treasurer shall pay the same.

19. It is expressly provided that in counties of this class where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid, and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as county officers are paid

Additional  
deputy  
sheriff

SEC. 2. As to subdivisions one, two and seven, this act shall take effect ninety days after the adjournment of the legislature; as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated.

When in  
effect.

CHAPTER 30.

*An act to add a new section to the Penal Code, known as section nine hundred thirty, relating to the selection of a foreman pro tem. for a grand jury.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

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

930. In the absence of the foreman of a grand jury from any meeting of the same or in the event of his disqualification to act, the grand jury may select a member of that body to act as foreman pro tem., who shall perform the duties of, and have all the powers of the regularly appointed foreman in the absence or disqualification of such foreman.

Foreman  
pro tem  
for grand  
jury.

## CHAPTER 31.

*An act to amend section one thousand two hundred thirty eight of the Code of Civil Procedure, relating to the public uses on behalf of which the right of eminent domain may be exercised.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section twelve hundred thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Uses for  
which  
eminent  
domain  
may be  
exercised

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Public uses

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

City and  
county  
buildings,  
etc.

2. Public buildings and grounds for the use of the state, or any state institution, and all other public uses authorized by the legislature of the state.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town or school districts, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals,

ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

5. Roads, tunnels, ditches, flumes, pipes and dumping places <sup>Roads</sup> for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. Byroads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph and telephone lines, systems and plants.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village. <sup>Sewer systems.</sup>

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe lines

11. Railroads, roads and flumes for logging or lumbering <sup>Lumbering</sup> purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth. <sup>Canals</sup>

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for the generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or the <sup>Electric lines</sup>

inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

Cemeteries

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Searching  
public  
records.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs.

16. Expositions or fairs in aid of which the granting of public moneys or other thing of value has been authorized by the constitution.

Gas works.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

Trees  
along  
highways.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof.

CHAPTER 32.

*An act declaring the wagon road extending from the western end of the Lake Tahoe state wagon road to the eastern limits of the city of Placerville to be a state highway.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. The wagon road extending from the western end of the Lake Tahoe state wagon road to the eastern limits of the city of Placerville is hereby declared to be a state highway and placed under the management and control of the department of engineering, and it shall be the duty of the said department to locate, survey, construct and reconstruct the same with such variations as will in the opinion of the said department be advisable.

Road from Lake Tahoe to Placerville declared state highway

SEC. 2. The said department is authorized and directed to take such steps as may be necessary to acquire for the state all rights of way, roads, culverts, bridges, quarries, timber and tools, machinery and appliances necessary to the construction and improvement of the said highway; *provided, however,* that no public corporation or political subdivision of the state shall receive any compensation on account of the said road.

CHAPTER 33.

*An act to validate municipal bonds, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.*

[Approved April 10, 1915 In effect August 8, 1915.]

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

SECTION 1. Where in any municipal corporation, proceedings have been taken for the purpose of issuing and selling bonds of such municipal corporation, for any purpose or purposes, all such acts and proceedings leading up to and including the issuance of such bonds, if they have heretofore been sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, ratified, confirmed and declared validated to all intents and purposes, and the power of said municipal corporation and of the legislative body thereof, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds already sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligation of and against the municipal corporation, having heretofore issued or hereafter issuing such bonds, and the faith and credit of such municipal corporation is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Municipal bonds validated

Tax levy  
for interest  
and  
principal.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation, set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Bonds sold  
for less  
than par  
not  
legalized.

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such municipal corporation voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance.

## CHAPTER 34.

*An act amending section nine of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

Section nine of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903, is hereby amended to read as follows:

Disposition  
of fees.

Sec. 9. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to the secretary of the board of regents of the University of California, for the use of said board in carrying out the provisions of this act, including the erection of buildings.

CHAPTER 35.

*An act validating the formation and organization, and determining the boundaries of Alameda county water district in the county of Alameda, State of California.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Alameda county water district situated in the county of Alameda, State of California, as authorized by an affirmative vote of eight hundred eighty-four qualified electors of the territory embraced within the boundaries of said district to nineteen votes against the organization thereof, is hereby recognized and declared valid and all proceedings on the formation and organization thereof are hereby approved and declared valid.

Alameda  
county  
water  
district  
validated.

SEC. 2. The boundaries of said district, as fixed by the board of supervisors of said Alameda county, are hereby approved and declared to be as follows:

Boundaries.

Beginning at the point of intersection of the center line of the main county road running from Niles to Hayward with the center line of county road number five hundred fifty-six and running thence westerly, southwesterly and northwesterly along the center line of said county road number five hundred fifty-six to the point of intersection thereof with a straight line drawn between the point of intersection of the center line of county road number three hundred fourteen with the northerly boundary line of Washington township in Alameda county, California, and the most westerly corner of lot number four as said lot number four is delineated and so designed upon that certain map entitled "Map of the Baker tract. Near Alvarado, Alameda county, California," etc, and filed in the office of the recorder of Alameda county, California, May 4, 1895, in map book number seventeen at page sixty-six: thence southeasterly along said straight line to the said most westerly corner of lot number four of the Baker tract: thence due west to the easterly boundary line of tide land survey number one hundred six, Alameda county, California, surveys; thence southeasterly in a direct line to the northwesterly corner of section five, township five south, range two west, Mt Diablo base and meridian; thence southeasterly in a direct line to the point of intersection of the westerly boundary line of Alameda county with a line dividing the north half from the south half of section seventeen, said township and range; thence easterly along said dividing line to the quarter section corner in the center of said section seventeen, said corner being a common corner with tide land survey number one hundred three, Alameda county, California, surveys; thence along the southerly boundary line of said tide land survey number one hundred three south seventy-six degrees thirty minutes east eleven and three hundred sixty-three thousandths

**Boundaries.** chains; thence leaving said southerly boundary line of said tide land survey number one hundred three north thirteen degrees thirty minutes east fourteen and two hundred five-thousandths chains to a point in the northerly boundary line of said tide land survey number one hundred three; thence along said northerly boundary line of said tide land survey number one hundred three north seventy-one degrees east twenty-seven and twenty-eight one-hundredths chains, north seventy-six degrees east eighty-two and sixty-seven one-hundredths chains to the common corner of sections nine, ten, fifteen and sixteen of the aforesaid township and range and south **seventy-one degrees thirty-four minutes east one hundred twenty-six and fifty one-hundredths chains to the quarter corner in the center of section fourteen, said township and range;** thence leaving the northerly line of said tide land survey number one hundred three and along the easterly boundary line thereof south forty chains; west ten chains, and south nine degrees fifty-six minutes east forty and sixty one-hundredths chains to a point in the line dividing the north half from the south half of section twenty-three of said township and range distant thereon west two and thirty one-hundredths chains from the quarter corner in the center of said section twenty-three, said point being a common corner of tide land surveys numbers one hundred three and one hundred five; thence along the boundary line of tide land survey number one hundred five south ten degrees thirty minutes east thirty and seventy-two one-hundredths chains, south ten degrees forty-five minutes west fifty and sixty-seven one-hundredths chains, south twenty degrees forty-five minutes east twenty and ninety one-hundredths chains and north sixty-four degrees east forty-four and fifty one-hundredths chains to the southeasterly corner of swamp and overflowed land survey number ninety-two of Alameda county, California, surveys; thence continuing along the boundary line of said tide land survey number one hundred five south seventy-eight degrees forty-two minutes east eighty-one and sixty-five one-hundredths chains, east one hundred twenty chains and south fifty-nine degrees, east twenty-five chains more or less to the point of intersection thereof with the southerly boundary line of Alameda county; thence in a general easterly, southeasterly and northeasterly direction along said boundary line of Alameda county to the point of intersection thereof with the westerly boundary line of the Rancho del Agua Caliente as said rancho is delineated and so designated upon that certain map entitled "Plat of the Rancho del Agua Caliente," etc. accompanying patent dated April 17, 1858 and recorded in the office of the recorder of Alameda county, California, in book A of patents at page seventy-two; thence in a general northwesterly, northerly and easterly direction along said boundary line of said Rancho del Agua Caliente as said boundary line is delineated and described on said map to the point of intersection of said boundary line with the easterly

boundary line of the right of way of the Central Pacific railway running from Irvington to San Jose; thence northeasterly in a straight line to a point in the center of county road number two thousand five hundred forty-eight as the survey of said road is recorded in the office of the surveyor of Alameda county, California, and dated December 2, 1889, said point being at an angle in said road at the southeasterly end of course noted as south twenty-four and one-half degrees east one hundred eight and eighty one-hundredths chains in the notes of said survey, and distant six thousand nine hundred fifty feet more or less measured along said county road number two thousand five hundred forty-eight in a westerly direction from the westerly line of the county road running from Mission San Jose to Warm Springs; thence northerly along the center line of said county road number two thousand five hundred forty-eight as described in the above mentioned survey to the easterly boundary line of the right of way of the Central Pacific railway at Irvington; thence northerly along said easterly boundary line of the right of way of the Central Pacific railway and its direct production northerly to the center line of county road number three hundred ninety-eight; thence easterly along the center line of county road number three hundred ninety-eight to the point of intersection thereof with a direct production southerly of the center line of county road number one thousand eight; thence northerly and northeasterly along said last production and along said center line of said county road number one thousand eight and along a direct production northeasterly thereof to the center line of the county road running from Niles to Mission San Jose; thence northwesterly in a straight line to the most southerly corner of survey number fifty-eight of the lands of the Ex-Mission San Jose; thence westerly in a straight line to the point of intersection of the northerly line of the right of way of the Central Pacific railway with the center line of the county road leading from Niles to Hayward, said county road leading from Niles to Hayward being the county road which runs along the northerly boundary of the Ford tract as shown upon that certain map entitled "Ford tract, Niles, Alameda county, California," etc. and filed in the office of the recorder of Alameda county, California, April 21, 1900, in map book number sixteen at page one; and thence westerly and northwesterly along the center line of said county road from Niles to Hayward to the point of beginning.

## CHAPTER 36.

*An act to amend section fourteen hundred thirty-one of the Political Code, to provide for payment of the traveling expenses of the regents of the University of California.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section fourteen hundred thirty-one of the Political Code is hereby amended to read as follows:

Compensation of regents.

1431. Members shall receive no compensation for their services, but shall be entitled to receive their actual and necessary expenses incurred while traveling on the business of the board which shall be payable from the state university fund, upon the order of the board in the manner provided by law for the payment of other claims and demands against said fund

## CHAPTER 37.

*An act to add a new section to the Political Code to be numbered sixteen hundred seventeen b, relating to the employment of home teachers.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered section sixteen hundred seventeen b, and to read as follows:

Home teachers.

1617b. Boards of school trustees or city boards of education of any school district, may employ teachers to be known as "home teachers," not exceeding one such home teacher for every five hundred units of average daily attendance in the common schools of said district as shown by the report of the county superintendent of schools for the next preceding school year. It shall be the duty of the home teachers to work in the homes of the pupils, instructing children and adults in matters relating to school attendance and preparation therefor; also in sanitation, in the English language, in household duties such as purchase, preparation and use of food and of clothing and in the fundamental principles of the American system of government and the rights and duties of citizenship. The qualifications of such teachers shall be a regular kindergarten primary, elementary or secondary certificate to teach in the schools of California and special fitness to perform the duties of a home teacher; *provided*, that the salaries of such teachers shall be paid from the city or district special school funds.

qualifications.

CHAPTER 38.

*An act prohibiting employers of labor from interfering with the political activities of their employees and providing penalties for a violation hereof.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. It shall be unlawful for any employer of labor to make, adopt or enforce any rule, regulation or policy forbidding or preventing his employees, or any of them, from engaging or participating in politics or from becoming candidates or a candidate for public office, or controlling or directing, or tending to control or direct the political activities or affiliations of such employees or any of them; or to coerce or influence or attempt to coerce or influence such employees or any of them through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity. The expression "employer of labor" as herein used shall be deemed to mean and include any person, firm or corporation regularly having in his or its employ twenty or more employees.

Political activities of laborers not to be interfered with

SEC. 2. Any employer violating the provisions of this act shall upon conviction thereof, if an individual, be punishable by imprisonment in the county jail for not to exceed one year or by a fine of not to exceed one thousand dollars or by both such fine and imprisonment, and, if a corporation, by a fine of not to exceed five thousand dollars. In all prosecutions hereunder the person, firm or corporation violating this act, shall be held responsible for the acts of his or its managers, officers, agents and employees.

Penalty.

SEC. 3. Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his employer for injury suffered through a violation of this act.

## CHAPTER 39.

*An act to validate the formation of certain districts formed under the provisions of an act entitled "An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county irrigation district bonds and the payment thereof," approved June 13, 1913, and to validate the issuance and sale of certain bonds thereof.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

County  
irrigation  
districts  
validated

SECTION 1. In any district, organized, or attempted to be organized, under the provisions of an act entitled "An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts, and for the issuance of county irrigation district bonds and the payment thereof," approved June 13, 1913, or as the same may have been or shall be amended at the time this act becomes effective, where acts or proceedings have been taken for the purpose of the formation of such a district, and of authorizing the issuance and sale of bonds; and where the formation of such district and the authorization of such issue and sale of bonds shall have been approved by a majority vote of the qualified electors of such district voting upon the question of the formation of such district and the authorization of the issuance and sale of such bonds, all such acts and proceedings leading up to and including the formation of any such district and the authorization of the issuance and sale of any such bonds, are hereby legalized, ratified, confirmed, and declared validated to all intents and purposes, and the power of any such district and of the proper officers to issue and sell such bonds is hereby ratified, confirmed, and declared, and any such bonds already sold at not less than their par value are declared to be, and any such bonds hereafter sold at not less than their par value shall be, a legal and binding obligation of and against such district, having heretofore authorized the issuance and sale of such bonds, and the faith and credit of any such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds of such district, in the manner provided in said act, or as the same may be amended.

CHAPTER 40.

*An act to amend an act entitled "An act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors," approved March 19, 1889.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors," approved March 19, 1889, is hereby amended to read as follows:

Sec. 1. Any person who, after receiving notice that a person named in said notice is addicted to the inordinate use of intoxicating liquors, should the person named in said notice be so addicted, shall thereafter within a period of twelve months furnish to said person so addicted to the inordinate use of intoxicating liquors, any spirituous liquors, wines, or intoxicating or malt liquors, shall be guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine or imprisonment. Said notice shall be in writing and may be given by any adult member of the family of said person so addicted to the inordinate use of intoxicating liquors, or by any adult relative of said person so addicted to the inordinate use of said intoxicating liquors, or by any peace officer or district attorney.

Penalty for furnishing liquors to person inordinately addicted to use thereof

CHAPTER 41.

*An act amending an act entitled, "An act establishing a legislative counsel bureau and making an appropriation therefor," approved May 26, 1913, by amending section two thereof, relating to the duties of the chief of the legislative counsel bureau.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two of an act entitled "An act to establish a legislative counsel bureau and making an appropriation therefor," approved May 26, 1913, is hereby amended to read as follows:

Sec. 2. It shall be the duty of the chief of the legislative counsel bureau, and the work of that bureau, to prepare and assist in the preparation, amendment and consideration of legislative bills when requested or upon suggestion as herein provided. He shall devote his whole time and attention to forwarding the work of the bureau, and it shall be his duty to make such study as said bureau may direct of the laws of this state and other states as may better enable the bureau

Duty of legislative counsel bureau

to do its work, and advise as occasion may arise as to needed revision of the statutes. It shall also be the duty of the chief of the legislative counsel bureau, whenever in his judgment there is reasonable probability that an initiative measure will be submitted to the voters of the State of California under the laws of the state relating to the submission of measures by initiative, to co-operate with the proponents of said measure in the preparation of said law when requested in writing so to do by twenty-five or more electors proposing such a measure.

## CHAPTER 42.

*An act to add two new sections to the Political Code to be numbered one thousand one hundred ninety-seven a and one thousand one hundred ninety-seven b respectively, relating to initiative, referendum and recall petitions.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered one thousand one hundred ninety-seven a, and to read as follows:

Initiative  
measures  
submitted  
to attorney  
general

1197a. It shall be the duty of the proponents of any initiative measure relating to the constitution or the laws of the State of California, prior to circulating any petition for signatures thereon, to submit a draft of said petition to the attorney general with a request that he prepare a title, and summary of the chief purposes and points of said proposed measure. Such title and summary shall forthwith be prepared in the manner provided for the preparation of ballot titles in paragraph three of section one thousand one hundred ninety-seven of the Political Code. Said title and summary shall not exceed one hundred words in all.

SEC. 2. A new section is hereby added to the Political Code to be numbered one thousand one hundred ninety-seven b and to read as follows:

Headings to  
petitions.

1197b. The proponents of any proposed initiative measure shall place upon each section of the petition in relation thereto above the text of the measure the title and summary referred to in section one thousand one hundred ninety-seven a of the Political Code not exceeding one hundred words in all. Across the top of each page of any petition asking that any act or section, or part of any act of the legislature be submitted to the electors for their approval or rejection, there shall be printed in twelve-point black-face type the following:

“REFERENDUM AGAINST AN ACT PASSED BY THE  
LEGISLATURE.”

Across the top of each page after the first page of every initiative, referendum or recall petition or section thereof which may be prepared and circulated in accordance with law there shall be printed in eighteen-point gothic type a short

title, in not to exceed twenty words, showing the nature of the petition and the subject to which it relates.

No officer chargeable by law with receiving or filing in his office any initiative, referendum or recall petition shall receive or file any such petition which does not conform with the provisions of this section. This section shall apply only to initiative, referendum and recall measures affecting the constitution or laws of the state, or state officers.

CHAPTER 43.

*An act to add a new section to the Penal Code to be numbered fifty a making it a felony to sign to any initiative, referendum, or recall or nominating petition a fictitious name or the name of another and prescribing the penalty therefor.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. There is hereby added to the Penal Code a new section to be numbered four hundred seventy-two a, and to read as follows:

472a. Every person who subscribes to any initiative, referendum or recall petition or to any nominating petition a fictitious name, or who subscribes thereto the name of another is guilty of a felony and is punishable by imprisonment in the state prison for not less than one nor more than fourteen years.

Penalty for signing false name to petitions

CHAPTER 44.

*An act to amend section one of an act entitled "An act providing for vacations for certain employees of the state," approved March 15, 1909.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act providing for vacations for certain employees of the state," approved March 15, 1909, is hereby amended to read as follows:

Sec 1. Each employee regularly employed at the state hospitals and each employee regularly employed in the service of any of the state commissions or state boards or in the state printing office who shall have been employed for a period of not less than six months shall be allowed, during each year of his service, a vacation of not less than fifteen working days' duration; said vacation to be without loss of pay, and the time allowed for said vacation to be designated by the management of such state hospitals, and by the members of the state commissions and state boards and by the superintendent of state printing

Vacations of state employees

## CHAPTER 45.

*An act to amend an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor," approved March 20, 1903, by amending section one thereof.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor," approved March 20, 1903, is hereby amended to read as follows:

Misrepresentations of conditions of employment prohibited.

Sec. 1. It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this state or to change from any place in any state, territory, or country to any place in this state, or to change from any place in this state to any place in any state, territory or country, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or the existence or non-existence of any strike, lockout, or other labor dispute affecting it and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

## CHAPTER 46.

*An act to amend section three hundred sixty-eight of the Political Code and to repeal section three hundred sixty-nine thereof, relating to executive officers, their appointment and terms.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

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

368. The following executive officers shall be appointed by the governor, with the consent of the senate:

Officers appointed by governor.

(1) The members of the board of managers of the several state hospitals; the members of the board of directors of the California School for the Deaf and the Blind; the insurance

commissioner; the members of the state board of health; the port wardens, in all cases where the appointment of port wardens is not otherwise provided for by law; and the trustees of the state burying grounds.

(2) The fish and game commissioners; the members of the several boards of pilot commissioners; the pilots for each harbor, where there is not a board of pilot commissioners, and where the appointment of pilots is not otherwise provided for by law.

The officers enumerated in the first subdivision of this section shall hold their offices for the term of four years, and those enumerated in the second subdivision shall hold their offices during the pleasure of the governor. All officers not enumerated herein shall be appointed in the manner and for the term otherwise by law provided. Terms.

SEC. 2. Section three hundred sixty-nine of the Political Code is hereby repealed.

CHAPTER 47.

*An act to amend section three of an act entitled "An act to establish a state training school for girls; to provide for the maintenance and management of the same; and to make an appropriation therefor," approved June 14, 1913.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. Section three of an act entitled "An act to establish a state training school for girls; to provide for the maintenance and management of the same; and to make an appropriation therefor," approved June 14, 1913, is hereby amended to read as follows:

Sec. 3. The board of trustees shall elect annually a president, a vice-president and a secretary, whose terms of office shall be one year or until their successors are elected and qualified. No one but a member of the board shall be elected president or vice-president thereof. The board shall appoint a superintendent, not of their own number, who shall be a woman qualified by training and experience for the character of work to be done at this school, and fix her salary at not to exceed twenty-four hundred dollars per annum. Such superintendent shall hold office at the pleasure of the board. Officers of  
board of  
trustees

## CHAPTER 48.

*An act to amend sections two thousand six hundred and five and two thousand six hundred and seven of the Political Code of the State of California, relating to state board of harbor commissioners for the bay of San Diego.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. Sections two thousand six hundred and five and two thousand six hundred and seven of the Political Code of the State of California are hereby amended to read as follows:

Plan of  
lands of  
San Diego  
harbor.

Lease

Monthly  
rentals

2605. Whenever the board of the state harbor commissioners for San Diego shall have located a line for a harbor embankment or seawall for any part of the harbor, as provided in section two thousand five hundred and eighty-eight, they shall make a plan and plat of all the lands in the state included between the said embankment and the shore line of the bay and file a copy of the same with the recorder of the county of San Diego. The commissioners shall have the right to lease said lands under such established rules and regulations as they may adopt and publish, but no lease shall be made or be valid for a term of more than twenty-five years nor shall any leases be made or be valid except made to the highest bidder, at public auction, after notice has been given in the official newspaper of the city of National City daily for at least thirty days prior to said auction. And all leases shall provide for the payment of monthly rentals; and that the lessee or his assigns shall not use said lands in any manner to decrease the amount of the tidal waters of the bay; and shall also provide for the forfeiture of said leases upon nonfulfillment of any of the covenants in said leases. No portion of said lands shall be leased in one lease in quantity to exceed forty acres, nor shall the leases of more than one hundred and twenty acres in quantity of said lands be sold at any one public auction. All funds derived from said leases shall be reported to and paid out from the state treasury as provided in section two thousand five hundred and eighty-four.

2607. The monthly salaries of the officers shall be as follows:

Salaries

Each of the three commissioners, twenty-five dollars; the secretary, who shall be elected by the commissioners from their own number, one hundred dollars, in addition to his salary as commissioner. The salaries and compensation of all other officers and employees, when appointed, shall be fixed by a majority of the board of harbor commissioners; *provided*, that the aggregate of the salaries of the said commissioners and secretary in any month shall not in amount exceed fifty per cent of the monies by said commissioners collected during the preceding month, when such aggregate of salaries would

also in amount exceed fifty per cent of the salaries hereinbefore allowed by law, nor in any event shall the aggregate of said salaries exceed in amount the total of said collections; *provided, also*, that in no event shall the state be liable for the salaries of the members of said board of commissioners, or of the secretary thereof, or for the salary or compensation of any officer or employee elected or appointed by said board, or upon any contract made or entered into by said board. And it is hereby expressly provided that said board of commissioners shall not create any liability or indebtedness against the state in any manner or form whatsoever, and any liability or indebtedness so created, or attempted to be created, shall be absolutely null and void.

CHAPTER 49.

*An act to add a new section to the Penal Code to be known as section sixty-four b prohibiting misrepresentation or fraud in initiative, referendum or recall petitions, and prescribing a penalty therefor*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered sixty-four b, and to read as follows:

64b. 1. It shall be unlawful for any person circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any petition authorized or provided for by the constitution or laws of the State of California regulating the initiative, referendum or recall to misrepresent or make any false statement concerning the contents, purport or effect of any such petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to any such petition, or to whom any such petition is presented for his or her signature.

Misrepresentation in securing signers to petitions prohibited

2. It shall be unlawful for any person to wilfully or knowingly circulate, publish or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any petition mentioned in this section for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition.

Circulation of false statements unlawful

3. It shall be unlawful for any person to file in the office of the clerk or other officer provided by law to receive such filing, any petition mentioned in this section to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition or whose name is attached, appended or subscribed thereto.

Petitions containing false signatures not to be filed

4. It shall be unlawful for any person to circulate, or cause to be circulated, any petition mentioned in this section, knowing the same to contain false, forged or fictitious names.

5. It shall be unlawful for any person to make any false affidavit concerning any petition mentioned in this section or the signatures appended thereto.

6. It shall be unlawful for any public official or employee knowingly to make any false return, certification or affidavit, concerning any petition mentioned in this section, or the signatures appended thereto.

Unlawful to sign more than once.

7. It shall be unlawful for any person to knowingly sign his own name more than once to any petition mentioned in this act, or to sign his name to any such petition knowing himself at the time of such signing not to be qualified to sign the same.

Penalty.

8. Any person, either as principal or agent, violating any of the provisions of this section is punishable by imprisonment in the state prison, or in a county jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both.

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## CHAPTER 50.

*An act to recognize and declare valid all proceedings in Oakdale irrigation district.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

Oakdale irrigation district validated.

SECTION 1. Oakdale irrigation district, as formed by the board of supervisors of Stanislaus county, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings of organization and formation and the including of all lands since its organization and formation are hereby approved and declared valid.

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## CHAPTER 51.

*An act to amend section six hundred thirty-three of the Penal Code of the State of California, relating to the protection of fish.*

[Approved April 10, 1915. In effect August 8, 1915.]

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

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

Protection of golden trout.

633. Every person who, at any time between the first day of October and the thirty-first day of July of the succeeding

year, takes, catches, kills, destroys or has in his possession, any variety of golden trout; or who, at any time, takes, catches, kills, or destroys, any variety of golden trout, other than with hook and line; or who, at any time, takes, catches, kills, or destroys, or has in his possession, during one calendar day, more than twenty golden trout or has in his possession any variety of golden trout of less than five inches in length, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail, in the county in which the conviction shall be had, not less than ten days, or be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the fish commission fund. Nothing in this section shall prohibit the United States fish commission and the fish commission of this state from taking at all times such golden trout as they deem necessary for the purpose of propagation or for scientific purposes.

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## CHAPTER 52.

*An act to add a new section to the Penal Code of the State of California, to be numbered section six hundred twenty-eight i, relating to the protection of fish.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered six hundred twenty-eight *i* and to read as follows:

628*i*. Every person who shall cast, extend, use or continue, or who shall assist in casting, extending, using or continuing any "Chinese shrimp or bag net," or a net of similar character, for the catching of any fish, shellfish, shrimp or crabs in the waters of this state shall be guilty of a misdemeanor; *provided*, that it shall be lawful to use "Chinese shrimp or bag nets" in the waters of fish and game district number thirteen for the taking of shrimp; *and be it provided, further*, that any fish, shellfish, or any shrimp unsuitable for sale as fresh shrimp, shall be returned to the water alive.

Use of  
Chinese  
shrimp nets.

## CHAPTER 53.

*An act to amend section eighty-six of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts and repealing all acts inconsistent herewith.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. Section eighty-six of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Justices'  
clerk

Bond

Salary.

Duties.

86. The supervisors of such city and county shall appoint a justices' clerk on the written nomination and recommendation of said justices, or a majority of them, who shall hold office during good behavior, and who shall receive a salary of three thousand dollars a year. Said justices' clerk shall take the constitutional oath of office, and give bond in the sum of ten thousand dollars for the faithful discharge of the duties of his office, and in the same manner as is or may be required of officers of such city and county. A new or additional bond may be required by the supervisors of such city and county, and in such amount as may be fixed by said supervisors, whenever they may deem it necessary. The said clerk may appoint a chief deputy and a cashier, each at a salary of eighteen hundred dollars a year, and three deputy clerks and one messenger each at a salary of fifteen hundred dollars a year. Said justices' clerk, and each of said appointees shall have authority to administer oaths, take and certify affidavits and issue and sign writs, summons, and all other processes, in any action, suit or proceeding in said justices' court, and generally to do all the acts specified in sections one hundred and two and one hundred and two *a* of this code. They shall be at their respective offices for the dispatch of official business daily, except Sundays, holidays and Saturday afternoons, from the hour of nine o'clock a. m. until five o'clock p. m. The salaries of said justices' clerk and his appointees shall be paid out of the treasury of said city and county in the same manner that salaries of officers of such city and county are paid, and shall be in lieu of all fees collected by them, and all persons appointed to such positions shall, after they have served a period of six months in their respective positions, be entitled to all the benefits of the civil service laws of this state.

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

CHAPTER 54.

*An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled, "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. It shall be unlawful for any person, firm, company or corporation, their agents and servants, to bring into the State of California any horses, mules, dairy cattle or breeding bulls except as hereinafter otherwise provided

Importation  
of live  
stock

(a) Dairy cattle and breeding bulls over six months of age must be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian showing that each of said animals is free from communicable diseases, including tuberculosis, and copy of such certificate and tuberculin test record shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin.

Cattle

(b) In lieu of such certificate of health and tuberculin test record, as provided for in subdivision (a) of this section, said dairy cattle and breeding bulls may be brought into the State of California, provided said animals are accompanied by a signed statement issued by the state veterinarian or other authority in charge of live stock sanitary work in the state from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease; and a copy of said statement shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin

Statement  
of state  
veterinarian

(c) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases, and

Horses and  
mules

a copy of said certificate shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin.

(d) In lieu of the certificate provided for in subdivision (c) of this section, horses and mules may be brought into the State of California, provided said animals are accompanied by a signed statement issued by the state veterinarian or other authority in charge of live stock sanitary work in the state from which said animals are transported stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable disease, and a copy of said statement shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin.

Exemptions.

SEC 2. Animals accompanying shipments of emigrant movables shall be exempt from the inspection or certification as provided for in this act. It is further provided that when horses, mules, dairy and breeding cattle are being brought into the State of California for exhibition or theatrical purposes, said animals shall likewise be exempt from the inspection and certification as provided for in this act; *provided, however*, that when dairy or breeding bulls which have been brought into the State of California for exhibition purposes are sold to remain in the State of California, said animals shall be subjected to the tuberculin test and certified to as free from tuberculosis by the state veterinarian of the State of California before said animals are delivered to the purchaser.

Quarantine  
against  
communi-  
cable  
diseases.

SEC. 3. Whenever it shall have been determined by the state veterinarian that a communicable disease exists among domestic animals in any other state or territory in the United States, or foreign country, and the importation of animals from said state or territory, or foreign country might spread such disease among animals within the State of California, nothing in this act shall be so construed as to prevent or prohibit the governor of the State of California from issuing his proclamation quarantining said state or territory, or foreign country or from prescribing the regulations under which animals might be imported into the State of California from said state or territory, or foreign country.

Act 1913  
repealed

SEC. 4 That certain act of the legislature of the State of California approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled 'An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.' approved March 7, 1911; to repeal an act entitled 'An act to prevent the importation of horses, mules and asses affected with glanders into the State of California.'" approved March 7, 1911, is hereby repealed.

Penalty.

SEC. 5. Any person, firm, company or corporation, their agents, servants and employees, who shall violate any of the

provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred and eighty days, or by both such fine and imprisonment.

CHAPTER 55.

*An act to amend section eleven hundred thirty of the Political Code, relating to limitation upon the powers of supervisors in establishing election precincts.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

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

1130 The following limitations are imposed upon the powers given the supervisors in this chapter:

No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district; *provided, however*, that if any precinct contains an insufficient number of qualified electors to make up a precinct election board, such precinct may be consolidated with an adjoining election precinct for the purposes of an election to fill an office of the county, state or of the United States.

Limitations in establishing election precincts

CHAPTER 56.

*An act to forbid managers, superintendents, foremen and other persons having authority from their respective employers to hire, employ, or direct the services of other persons in such employments, to demand or receive any fee, gift or other remuneration in consideration of any such hiring, employment or permission to continue to perform work or services in such employment; and to provide for the enforcement of this act by the commissioner of the bureau of labor statistics.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

SECTION 1. Any manager, superintendent, foreman or other person having authority from his employer to hire, employ or direct the services of other persons in such employment, who shall demand or receive any fee, gift or other remuneration in

Fees not to be taken by foreman, etc

consideration of hiring or employing any person to perform work or services for such employer, or permitting said person to continue in said employment, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars for each offense. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

SEC. 2. This act shall be enforced by the commissioner of the bureau of labor statistics.

SEC. 3. Nothing contained in this act shall be construed to apply to employment agencies or employment agents licensed and operating under the laws of the State of California.

Notice to  
be posted.

SEC. 4. Every employer as defined in section one hereof shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth verbatim the provisions of section one of this act.

## CHAPTER 57.

*An act granting certain tide lands and submerged lands of the State of California to the city of Redondo Beach upon certain trusts and conditions.*

[Approved April 12, 1915. In effect August 8, 1915.]

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

Tide lands  
granted  
Redondo  
Beach.

SECTION 1. There is hereby granted to the city of Redondo Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the tide lands and submerged lands, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

To be used  
for harbor.

(a) Said lands shall be used by said city and by its successors, solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said city, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever, *provided*, that said city, or its successors,

may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor;

May grant franchises

(b) Said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

Harbor to be improved

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors. The absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purpose, is hereby reserved to the people of the State of California.

No discrimination in rates

Right to fish

CHAPTER 58.

*An act to add a new section to the Political Code to be numbered 4232 a, providing for the compensation of grand jurors and trial jurors in the superior court in counties of the third class.*

[Approved April 13, 1915 In effect August 8, 1915]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered 4232 a, providing for the compensation of grand jurors and trial jurors in the superior court in counties of the third class, and to read as follows:

4232a. The fees of grand jurors in counties of the third class shall be \$3 00, and necessary railway fare, in lawful money of the United States, for each and every day's attendance upon the court or a session of the grand jury and the fees of trial jurors in the superior court of counties of the third class in civil and criminal cases, shall be \$3 00, and necessary railway fare, in lawful money of the United States, for each and every day's attendance upon the court.

Jurors' fees in counties of 3d class

## CHAPTER 59.

*An act authorizing the state board of equalization to destroy by fire certain reports and other documents.*

[Approved April 13, 1915. In effect August 8, 1915.]

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

Tax rolls  
destroyed  
after four  
years.

SECTION 1. All reports for state taxation, including copies of operative assessment rolls of the several cities, counties, and cities and counties, made to and filed with the state board of equalization under the provisions of an act entitled "an act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies, for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911, or under the provisions of any act amendatory of said act, shall be retained and kept on file by said board for a period of four years from the time of the receipt thereof, and after the elapse of said period may be destroyed by fire.

## CHAPTER 60.

*An act to amend section twenty-one hundred forty-five of the Political Code, relating to state hospitals for the insane and other incompetent persons.*

[Approved April 13, 1915. In effect August 8, 1915.]

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

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

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

State  
hospitals  
for insane

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

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

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

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

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

6. Norwalk State Hospital, near Norwalk, Los Angeles county:

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

7. The California Home for the Care and Training of Feeble-minded Children, at Eldridge, Sonoma county, which shall hereafter be known and designated as the Sonoma State Home; For feeble-minded children

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

CHAPTER 61.

*An act to amend section one thousand five hundred forty-four of the Political Code of the State of California, relating to the annual report of the superintendent of schools.*

[Approved April 14, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one thousand five hundred and forty-four of the Political Code of the State of California is hereby amended as follows:

1544. If he fails to make full and correct report, as required under the provisions of subdivision thirteen of section one thousand five hundred and forty-three of the Political Code at the time fixed by the superintendent of public instruction, he forfeits one hundred dollars of his salary; and the county auditor whose duty it is to draw the warrant for the salary of the superintendent of schools shall deduct this amount from the warrant on receiving notice from the superintendent of public instruction to the effect that the superintendent of schools has failed to make report above referred to as directed. Penalty for failing to report

## CHAPTER 62.

*An act to amend section five hundred twenty-six of the Political Code, relating to the general duties of the superintendent of state printing.*

[Approved April 14, 1915. In effect August 8, 1915.]

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

Duty of  
superintend-  
ent of  
printing.

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

To print  
laws.

526. It is the duty of the superintendent of state printing:  
*One*—To print the laws, including initiative measures adopted by the people, prefixing to the text of each act the date of approval or adoption and the date of going into effect of such act; the journals of the legislature; reports of state officers; public documents ordered to be printed by the legislature; blanks for the officers and departments of the state government; bills, resolutions, and other printing which may be ordered by either of the two houses of the legislature, and all other public printing for the state, unless otherwise expressly ordered by law.

Directory  
of state  
officers.

*Two*—To publish, prefixed to each volume of the statutes the constitution of the state and the name and place of residence of the governor and other executive officers of the state, lieutenant governor, senators and members of the assembly, the presiding officers of the senate and assembly, and of the commissioners of the State of California residing out of the state and in office at the time of such publication; the certificate of the secretary of state showing what acts, or sections or parts of acts, of the legislature are delayed from going into effect by a referendum petition properly certified and filed in his office; and the certificate of the secretary of state showing the result of any election upon any question submitted to the electors of the state within two years next preceding by either initiative or referendum petition.

*Three*—To perform the duties required by the provisions of article twelve, chapter two, title one, part three, of this code, and such other duties as are imposed upon him by law.

Time book

*Four*—He shall keep in his office, open to public inspection, a time book, containing the name of every employee connected with the state printing office, the time employed, the rate of wages, and amount paid; and he shall certify, under oath, to the correctness of all claims for services rendered and materials furnished, which certificate shall be attached to and presented with each claim that shall be presented to the state board of control for allowance, and no such claim shall be certified or allowed unless it be fully itemized.

To file bids.

*Five*—He shall file in the office of the secretary of state, all proposals, bids, contracts, bonds, and other papers appertaining to the awarding of contracts now in his possession, or which

may hereafter come into his possession, retaining in his office copies of the same; and the secretary of state shall promptly furnish the state board of control, for their use, certified copies of all such papers.

*Six*—All printing required by any of the state departments, boards, or any state officer, for the state, the order for the same shall be made out upon a printed blank, with voucher attached, to be furnished by the superintendent of the state printing, and forwarded to the office of said superintendent, who shall enter upon a book kept in his office for that purpose, a transcript of said orders; and shall return with the work, when completed, to the person ordering the same, the original order, with duplicate voucher attached; said voucher to be signed by the person receiving the work, and returned to the superintendent of state printing, and both original and duplicate orders shall be kept on file in his office, and shall be a sufficient voucher for said work. The superintendent of state printing shall enter upon a book to be kept for said purpose, the name, quantity, and weight of paper used for each order printed. He shall also certify, under oath, that all materials, stock, and paper furnished the office under contracts, are of the quality, kind and weight required by such contracts, and no claim arising under any contract shall be allowed or paid unless accompanied by such certificate. He shall also, retain and file in his office one copy or sample of each blank, circular, pamphlet, book, legislative bill, file, or report, or any other work emanating from the state printing office, excepting blank books, of which he shall file only sample sheets, said copies or samples shall bear a uniform number and date with the voucher.

Orders for printing

Quality of materials furnished under contract

*Seven*—No printing for the senate or the assembly, or any committee of the same, shall be executed except upon an official order of the secretary or chief clerk respectively transmitted to him.

Legislative printing

*Eight*—The receipts of the respective sergeant-at-arms or the secretary or chief clerk of the senate and assembly shall be a sufficient voucher to the superintendent of state printing for all work done for either house.

Receipts

*Nine*—To maintain a bill-filing room for the senate and assembly, to file all bills, resolutions, journals and such other papers as may be ordered by either the senate or assembly; to place all such bills, resolutions, journals and other papers in proper binders for the use of the members of the legislature, and to perform such other duties in connection with the filing and distribution of such bills, resolutions, journals and other papers as may be required by law, or the rules or special orders of either house of the legislature.

Bill-filing room

## CHAPTER 63.

*An act to amend section six hundred twenty-six n of the Penal Code of the State of California, relating to the protection of fish and game.*

[Approved April 14, 1915. In effect August 8, 1915.]

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

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

Use of  
animals as  
blinds

626n. Every person, who at any time shall use any animal, or imitation thereof, as a blind, or use such animal, or imitation thereof, for the purpose of approaching any wild bird, for the purpose of shooting at or killing any such wild bird, or who, at any time, takes, kills or has in his possession any such wild bird which has been taken by such method, is guilty of a misdemeanor; *provided*, that nothing in this act shall prevent the use of dogs in the hunting or approaching such birds

## CHAPTER 64.

*An act to add a new section to the Penal Code of the State of California, to be numbered section six hundred thirty-seven one-half, relating to the protection of game.*

[Approved April 14, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered section six hundred thirty-seven one-half, and to read as follows:

Predatory  
animals

637½. Where the words "predatory animals" occur in this chapter, the following animals only shall be considered predatory animals: The order Insectivora (moles, shrews), the family Canidae (wolves, coyotes, foxes), the family Procyonidae (ringtail cats, coons), the family Mustelidae (martins, fishers, wolverines, weasels, minks, skunks, badgers), the family Felidae (cougars, wild cats), the order Rodentia (rats, mice, gophers), except the families Sciuridae and Petauristidae (tree squirrels, flying squirrels); and the following species of birds: blue jays, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk and house finch, commonly known as California linnet.

CHAPTER 65.

*An act providing that any public service corporation, agent, superintendent, or manager thereof employing special agents, detectives, or so-called spotters shall, before disciplining or discharging any employee upon a report by such special agent, detective, or so-called spotters, give notice and accord a hearing to such employee upon his request therefor, and providing for the punishment for the violation thereof.*

[Approved April 14, 1915. In effect August 8, 1915.]

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

SECTION 1. It shall be unlawful for any public service corporation, agent, superintendent or manager thereof, employing any special agent, detective, or person commonly known as "spotter" for the purpose of investigating, obtaining and reporting to the employer, its agent, superintendent or manager, information concerning its employees, to discipline or discharge any employee in its service, where such act of discipline or the discharge is based upon a report by such special agent, detective or spotter, which report involves a question of integrity, honesty or a breach of rules of the employer, unless such employer, its agent, superintendent or manager, shall give notice and accord a hearing to the employee thus accused, when requested by said employee, at which hearing said employer shall state specific charges on which said act or discharge is based and at which said accused employee shall have the right to furnish testimony in his defense

Employee not to be discharged on "spotter's" report without hearing

SEC. 2. Each and every violation of this act by any person, firm, association or corporation shall be deemed a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than three hundred dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment. In case of a public service corporation committing any violation of this act the imprisonment when imposed shall be imposed upon the officers or agents thereof committing such offense.

Penalty

## CHAPTER 66.

*An act to authorize the surveyor general of the State of California to consent to the provisions of the act of congress approved July 17, 1914, entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas or asphaltic minerals."*

[Approved April 14, 1915 In effect August 8, 1915]

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

Surveyor  
general to  
accept  
benefits  
under act  
of Congress

SECTION 1. The surveyor general of the State of California is hereby authorized and empowered to accept the benefits of the act of congress approved July 17, 1914, entitled: "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals," and on behalf of the State of California, or of any assignee of the State of California, to accept and receive lists and patents to lands selected by the State of California as agricultural lands, which were subsequently withdrawn, classified or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, and containing a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine and remove the same, as provided in said act of congress.

## CHAPTER 67.

*An act to amend section four thousand two hundred sixty-five of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class.*

[Approved April 15, 1915. In effect August 8, 1915]

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

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

Counties of  
36th class,  
salaries of  
officers

4265 In counties of the thirty-sixth class the county officers shall receive compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County  
clerk

1. County clerk two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the county clerk one chief deputy who shall receive a salary of one thousand five hundred dollars per annum, two deputies who shall each receive a

salary of one thousand dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register and for mailing sample ballots, at a compensation not to exceed two hundred and fifty dollars for each such registration year.

2. Sheriff, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff, one under-sheriff, whose salary is hereby fixed in the sum of one thousand eight hundred dollars per annum; one deputy who shall be jailor and who shall receive a salary of one thousand two hundred dollars per annum; one deputy who shall be court baliff and who shall receive a salary of one thousand two hundred dollars per annum; one deputy who shall also be a chauffeur and who shall receive a salary of one thousand and two hundred dollars per annum; and two other deputies who shall receive a salary of one thousand two hundred dollars per year each.

3 Recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and one deputy for twelve months in each year at one hundred dollars per month, and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

4. Auditor, two thousand four hundred dollars per annum; *provided*, that there is hereby allowed to the auditor one deputy who shall receive a salary of one thousand five hundred dollars per annum, one deputy at one thousand and eighty dollars per annum, and one additional deputy for not more than two months in each year who shall receive ninety dollars per month

5. Treasurer, two thousand four hundred dollars per annum

6. Tax collector, two thousand four hundred dollars per annum; one chief deputy for ten months of each year who shall receive a salary of one hundred and twenty-five dollars per month and three deputies for four months of each year who shall receive salaries of ninety dollars per month each

7. Assessor, two thousand four hundred dollars per annum; one chief deputy for ten months in each year who shall receive a salary of one hundred and fifty dollars per month; one stenographer and roll writer for eight months in each year

who shall receive a salary of one hundred twelve and fifty-hundredths dollars per month; one deputy for writing plat books four months in each year, who shall receive a salary of one hundred and twenty-five dollars per month, three deputies for four months in each year who shall receive a salary of one hundred dollars per month; five field deputies for three months in each year, who shall receive a salary of one hundred and fifty dollars each, per month; and one field deputy for three months in each year who shall receive a salary of one hundred and seventy-five dollars per month; and two field deputies for three months in each year, who shall each receive a salary of one hundred and twenty-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class the assessor shall receive no fees or compensation for his collection of taxes on personal property or possessory interests.

District  
attorney.

8. District attorney, three thousand dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum, one stenographer who shall receive a salary of one thousand two hundred dollars per annum. It shall be the duty of this stenographer to report and transcribe, without any additional charge, all preliminary hearings required of him by the district attorney.

Coroner

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

Adminis-  
trator

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

Superintend-  
ent of  
schools.

11. Superintendent of schools, two thousand four hundred dollars per annum; and one deputy who shall receive a salary of twelve hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education or as ex officio secretary thereof.

Surveyor

12. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor.

Justices  
of peace

13. Justices of the peace shall receive the following monthly salaries to be paid each month in the same manner, and out of the same fund as county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than five thousand, one hundred dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Constables

14. Constables shall receive the following monthly salaries to be paid each month in the same manner, and out of the

same fund as county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall co-operate at all times with the sheriff, and shall perform any and all duties that he may require of them. It is hereby found as a fact, that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

15. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by four the vote cast for governor in each township at the general election next preceding.

Population

16. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year.

Supervisors

17. Horticultural commissioner, one thousand five hundred dollars per annum; *provided*, in counties of this class, said horticultural commissioner may appoint as many inspectors as may be necessary for the performance of his duties, who shall be paid three dollars and fifty cents for each day of eight hours actually engaged in the performance of their duties.

Horticultural commissioner

18. County physician, seventy-five dollars per month

Physician

19. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, two deputies, each of whose salaries shall be one hundred and fifty dollars per month, said deputies to pay all their own expenses

Health officer

20. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the live stock inspector shall devote his entire time to the performance of the duties of the office; *provided, further*, that in counties of this class the live stock inspector shall be and hereby is allowed three deputies who shall each receive as salaries, six hundred dollars per annum.

Live stock inspector

21. Probation officer, one thousand two hundred dollars per annum.

Probation officer.

22. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, in coming only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

Jurors

## CHAPTER 68.

*An act to recognize and declare valid all proceedings in Anderson-Cottonwood irrigation district.*

[Approved April 15, 1915 In effect August 8, 1915.]

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

Anderson-  
Cottonwood  
irrigation  
district  
validated

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

## CHAPTER 69.

*An act to amend section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.*

[Approved April 15, 1915 In effect August 8, 1915.]

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

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

Counties of  
13th class,  
salaries of  
officers.

4242. In counties of the thirteenth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County  
clerk

1. The county clerk, two thousand eight hundred dollars per annum, and there shall be and there is hereby allowed to the county clerk, in addition, one deputy who shall be paid the sum of one thousand five hundred dollars per annum, and one deputy who shall be paid the sum of one thousand three hundred dollars per annum, and one deputy who shall be paid the sum of one thousand two hundred dollars per annum, and one deputy who shall be paid the sum of one thousand dollars per annum; the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy, or deputies, who shall receive the sum of seven and one-half cents per name for taking affidavits of registration, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the

county. All provisions of this paragraph shall apply to the present incumbent.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum, and one deputy who shall be jailer, whose salary is hereby fixed at the sum of one thousand dollars per annum; and one deputy whose salary is hereby fixed at the sum of nine hundred dollars per annum; said deputies to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. All the provisions of this paragraph shall apply to the present incumbent.

3. The recorder, two thousand eight hundred dollars per annum; and one deputy, whose office is hereby expressly created, to be appointed by the recorder who shall receive a salary of one thousand four hundred dollars per annum, payable in monthly installments; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The salaries of the deputy recorder and copyists herein provided, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

4. The auditor, two thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the auditor in addition one chief deputy to be appointed by the auditor who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of twelve hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of nine hundred dollars per annum, and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed four hundred dollars in any one year, *and provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amount paid, and the persons to whom said compensation is paid for such extra assistants aforesaid. The salaries herein provided shall be paid by the county in monthly installments at the same time and out of the same fund as the salaries of county officers are paid. All that portion of this paragraph relating to deputies and other assistants shall apply to the present incumbent.

Treasurer

5 The treasurer, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy, to be appointed by him, who shall receive from the county a salary of one thousand dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All that portion of this paragraph relating to the salary of deputy shall apply to the present incumbent. All fees and commissions received by the treasurer shall be turned over to the county and become the property of the county.

Tax collector

6 The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector, one deputy at a salary of one thousand two hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate, exceed the sum of one thousand two hundred and fifty dollars in any one year, *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. All that portion of this paragraph relating to deputy and other assistants shall apply to the present incumbent.

Assessor

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor: one deputy at a salary of one thousand six hundred dollars per annum, one stenographer at a salary of nine hundred dollars per annum, one stenographer at a salary of eight hundred dollars per annum, and such other deputies as the assessor may require, and whose compensation in the aggregate shall not exceed the sum of five thousand dollars in any one year; *and provided*, that the assessor shall file with the county auditor, a verified statement showing in detail, the amounts, and the persons to whom said compensation is paid. The salaries of such deputies and stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that county officers are paid. All the provisions of this paragraph are to apply to the present incumbent. All fees and commissions, including poll tax, collected by this office shall be turned over to the county and become the property of the county.

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

9 The public administrator, such fees as are now, or may Adminis-  
trator.  
 hereafter be allowed by law.

10. The district attorney, two thousand five hundred dollars District  
attorney.  
 per annum, and actual traveling expenses when away from his  
 office on county business; *provided*, that in counties of this  
 class there shall be and there is hereby allowed to the district  
 attorney, one deputy to be appointed by the district attorney  
 who shall be paid the salary of one thousand two hundred dol-  
 lars per annum; and one deputy to reside at Blythe or vicini-  
 ty, who shall be paid a salary of three hundred dollars per  
 annum; *and provided, further*, that a stenographer be  
 appointed by the district attorney to be paid a salary of nine  
 hundred dollars per annum. Said deputies and stenographer  
 shall be paid out of the county treasury in monthly install-  
 ments in the same manner and out of the same fund as county  
 officers are paid. That portion of this paragraph relating to  
 stenographer and deputies shall apply to the present incumbent.

11. The superintendent of schools, two thousand four hun- Superin-  
tendent of  
schools.  
 dred dollars per annum; his office shall be kept open on all  
 business days from nine a.m. to five p.m.; he shall be allowed  
 his actual traveling expenses when visiting the schools of his  
 county; *provided*, that in counties of this class there shall be  
 and there hereby is allowed, to the superintendent of schools,  
 one deputy to be appointed by him who shall receive from the  
 county a salary of twelve hundred dollars per annum to be  
 paid by said county in monthly installments in the same man-  
 ner and out of the same fund as the salaries of county officers  
 are paid. That portion of this paragraph relating to deputies  
 shall apply to the present incumbent.

12. The surveyor, one thousand five hundred dollars per Surveyor.  
 annum, and in addition thereto, all necessary field assistants;  
*provided*, that in counties of this class there shall be and there  
 hereby is allowed the surveyor, two deputies who shall be  
 appointed by the surveyor of said county, and who shall be  
 paid salaries as follows: one deputy at a salary of fifteen hun-  
 dred dollars per annum and one deputy at nine hundred dol-  
 lars per annum. The salaries of said deputies herein provided  
 for shall be paid by said county in monthly installments at the  
 same time and in the same manner and out of the same fund  
 as the salaries of county officers are paid. All necessary  
 expenses for field assistants shall be paid by the county, and  
 the actual cost of preparing assessor's maps, whenever a com-  
 plete set of such maps is ordered prepared by the board of  
 supervisors, said cost of preparing said assessor's maps not to  
 exceed the sum of one thousand eight hundred dollars.

13 From and after the first Monday after the first day of Township  
officers.  
 January, 1915, the officers of townships in counties of this  
 class shall be one justice of the peace and one constable, any-  
 thing in the provisions of section four thousand fourteen of  
 this code to the contrary notwithstanding.

Justice of  
the peace

14. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, fifteen hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him. He shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive seventy-five dollars per month, in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, twenty dollars per month, and in all other townships in said county, ten dollars per month, *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases, and the auditor shall withhold the warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury.

Constables

15. Constables in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, fifteen hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, twenty dollars per month; and in all other townships in said county, ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable, except constables in townships having a city or a portion thereof situated therein, and having a population of twelve thousand or more, shall receive for their own use in civil cases, the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of a warrant of

arrest or any other paper in a criminal case, both going and returning, ten cents per mile, for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile: and for transporting prisoners to the county jail, the actual cost of transportation

16. The population of the several judicial townships for the purpose of fixing the compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year. Population

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

CHAPTER 70.

*An act to amend section 2319c of the Political Code of the State of California, in relation to the establishment of quarantine against infectious plant diseases.*

[Approved April 15, 1915. In effect August 8, 1915.]

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

SECTION 1. Section 2319c of the Political Code of the State of California is hereby amended to read as follows:

2319c. Upon information received by such commissioner of the existence of any infectious disease, insect or pest, dangerous to any article, or to the interests of horticulture within this state, or that there is a probability of the introduction of any such infectious disease, insect or pest into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same and may establish, maintain and enforce quarantine as hereinbefore provided, with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any ground or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable or other article of horticulture or implement thereof or box or package pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to

Quarantine against plant diseases, etc.

May enter grounds

do. with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter; *and provided, further*, that no quarantine shall be established, maintained or enforced for the protection of nurseries, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, except by such commissioner and in the manner in this section provided.

## CHAPTER 71.

*An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof.*

[Approved April 16, 1915. In effect August 8, 1915.]

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

Board of  
embalmers  
created

SECTION 1. There is hereby created and established a board to be known as the state board of embalmers of the State of California. The board shall consist of five members, to be appointed by the governor of the state, and all vacancies occurring on the board shall be filled by the governor. Three of the persons so appointed shall hold office for two years and two for four years unless sooner removed. All of the appointments made at the expiration of the above terms shall be for four years. Appointments to fill vacancies caused by death, resignation or removal before expiration of the term shall be made by the governor, in the same manner, for the residue of the term.

Qualifications

SEC 2 The members of said board shall be residents of California, all of whom shall have had at least five years of experience in the practice of embalming, and the preparation and disposition of the dead. The governor shall have power to remove from office any appointive member of said board for incompetency or improper conduct. The members of said board shall receive no compensation for their services except actual mileage and expenses, with the additional salary of the secretary, which shall not exceed nine hundred dollars per year. All moneys provided in excess of the fees herein shall be paid into the general funds of the state.

Compensation

Officers

SEC. 3. The board at their annual meeting shall elect a president, secretary and treasurer from the members of said board, and the treasurer and secretary shall furnish such bond as shall be required of them by the board. All officers shall serve for one year or until their successors shall be elected and qualified.

SEC. 4. The governor shall furnish to each person appointed to serve on the board, a certificate of appointment. The appointee shall qualify by taking the usual oath of office before any person authorized to administer oaths of the county in which said person may reside, within ten days after said appointment has been made, and this fact shall be noted on the certificate of appointment, and shall be filed with the secretary of state.

Oath

SEC. 5. The board shall adopt a common seal. The president of said board is hereby authorized to administer oaths to witnesses testifying before said board. Said board shall hold at least three meetings annually for the purpose of examining applicants for licenses, one of which meetings shall be held in the city of San Francisco, one in the city of Los Angeles and the other in the city of Sacramento, with power to adjourn from time to time until its business is concluded; *provided, however*, that examination for applicants for licenses may in the discretion of the board be conducted in any part of the state designated by the board. Notice of each meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the city of San Francisco, one published in the city of Los Angeles, and one published in the city of Sacramento, which notice shall also specify the time and place of holding the examination of applicants. Three members of the board shall constitute a quorum. At no time shall the board contract expense in excess of the amount of funds in the hands of its treasurer.

Seal.

Meetings.

Publication of notice

Expenses

SEC. 6. From and after the first day of August, 1915, to January 1, 1916, every person at the time engaged in the practice of embalming or preparing for transportation of human dead of contagious or infectious diseases or embalming human bodies dead from any cause whatever within the State of California, shall make a written application to the said board of embalmers for a license, such application to be signed by the applicant with the statement that he or she is possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has reasonable knowledge of sanitation and the disinfection of bodies of deceased persons, and the apartments, clothing and bedding, in case of infectious or contagious diseases, and the statements therein contained to be duly certified before an officer authorized to take acknowledgments, and upon payment of five dollars, the board shall issue to said applicant a license to practice said science of embalming and the care and disposition of the dead, and shall register applicant as a duly licensed embalmer. Such license shall be signed by the president and secretary of the board and attested by its seal.

Application for license

Fee.

SEC. 7. All persons receiving license under provisions of this act shall register the fact at the office of the board of health of the city or county in the jurisdiction of which it is proposed to carry on such practice, and shall display said license in a conspicuous place in the office of the licentiate.

Register of licentiates

License  
after Jan  
1, 1916.

SEC. 8. From and after January 1, 1916, every person who has failed to make application for a license, and desires to engage in the practice of embalming dead human bodies in the State of California, and not licensed under this act, shall make application to the board for examination for qualification to engage in the practice of embalming dead human bodies. Such application shall be in writing, addressed to the secretary of the board, accompanied by a fee of ten dollars which shall be paid to the treasurer by the secretary. If for any reason the applicant does not qualify, the sum of five dollars shall be returned upon application.

Fee

Examination

SEC. 9. Said state board of embalmers shall be authorized and empowered at the time and place specified in the notice heretofore provided for, to examine all applicants for license to practice embalming, to select all questions to be used for examination of applicants for a license, and to determine whether or not such applicants possess the necessary qualifications to properly embalm dead human bodies; and if upon such examination said board shall determine that such applicant is properly qualified to embalm human bodies, it shall grant a license to such person to embalm dead human bodies.

Licenses  
recorded

SEC. 10. All licenses when issued, shall be recorded by the board, a copy of which record shall be furnished to all those holding a license, and to the various transportation companies in the State of California. Such record shall be open to public inspection, and such license shall be admitted in evidence in any of the courts of the state, and shall be presumptive of the facts contained therein.

SEC. 11. The state board of embalmers is directed to recognize licenses issued to embalmers by authorities of other states.

Regulations

SEC. 12. The state board of embalmers shall from time to time adopt rules and regulations not inconsistent with the laws of this state, whereby the performance of the duties of the officers of said board and the practice of embalming dead human bodies and transportation of same shall be regulated.

Annual fee

SEC. 13. Every registered embalmer who desires to continue the practice of embalming shall annually thereafter, during the time he or she shall continue in such practice, on such date as the board shall determine, pay to the secretary of said board a fee of two dollars for the renewal of registration.

License not  
assignable

SEC. 14. No license granted under the provisions of this act shall be assignable, and every such license shall specify by name the person to whom it is issued, and not more than one person shall carry on the practice of embalming dead human bodies under one license.

Institutions  
not  
affected

SEC. 15. Nothing in this act shall apply to, or in any way interfere with the duties of any officer of any local or public institution or of any duly accredited medical college, nor shall this act apply to any one engaged simply in the furnishing of burial receptacles for the dead but shall apply only to persons engaged in the practice of embalming in connection with the care and disposition of the dead.

SEC. 16. It shall be unlawful for any person, railroad, Carriers. express company, or common carrier, to receive for transportation any dead human body, unless said body has been prepared by a regularly licensed embalmer, in accordance with the rules prescribed by the state board of embalmers.

SEC. 17. The state board of embalmers and schools for Schools for embalming teaching embalming shall have extended to them the same privileges as to the use of bodies for dissecting, demonstrating or teaching, as those granted in this state to medical colleges.

SEC. 18. The state board of embalmers shall have power Revocation of license to revoke any license granted under this act, upon conviction of violation of any of the provisions of this act, or any of the rules and regulations, or upon conviction of continued improper conduct, said conviction being subject to approval by the courts of the state.

SEC. 19. Any person who shall advertise, practice, or Penalty for non-compliance. hold himself or herself as practicing the science of embalming without having complied with the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, before the court, shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars for each and every offense; or any person, railroad, express company, or common carrier who shall violate the provisions of this act shall be guilty of a misdemeanor, and shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars for each and every offense. All fines assessed for the violation of any of the provisions of this act shall be paid into the funds of the state.

SEC. 20. All licensed embalmers shall use yellow pasters Yellow pasters. to be furnished by the state board of embalmers; said pasters to be approved by the state board of health. No railroad, express company or other common carrier shall accept for transportation any dead human body unless said body is accompanied with said yellow shipping paster.

SEC. 21. It shall be unlawful to embalm a dead human Permission of coroner. body when a fact within the knowledge, or brought to the knowledge of the embalmer is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until permission of the coroner, or justice of the peace (if there be no coroner) has first been obtained. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

## CHAPTER 72.

*An act legalizing and validating the formation and organization of Marin municipal water district in the county of Marin, State of California; declaring the same created; fixing, defining and establishing the boundaries thereof; providing for its management and control subject to the provisions of the laws of the State of California relative to municipal water districts; and repealing all acts and parts of acts inconsistent therewith.*

[Approved April 16, 1915. In effect August 8, 1915.]

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

Marin  
municipal  
water  
district  
validated

SECTION 1. The formation and organization of the "Marin municipal water district" in the county of Marin, State of California, by the board of supervisors of the county of Marin, State of California, is hereby approved, confirmed, ratified, validated, legalized and declared valid, and the said Marin municipal water district is hereby declared to be created as a public corporation.

Boundaries.

SEC. 2. The exterior boundaries of the Marin municipal water district in the county of Marin, State of California, are hereby fixed, defined, established, determined and declared to be as follows:

That portion of the county of Marin, State of California, situate, lying and being within the following described boundaries, to wit:

Beginning at the southeast corner of the town of Sausalito as established by order of the board of supervisors of Marin county dated August 28, 1893, and entered in the proceedings of the board of supervisors in liber H, page 473; thence westerly and northerly along the westerly corporate limits of the town of Sausalito to the most southerly corner of ranch B, as shown and delineated on map No 3 of Tamalpais Land and Water company, filed in the office of the county recorder of Marin county on the twelfth day of December, 1898, in volume 1, record of maps, page 104;

Thence northwesterly along the southwesterly boundary lines of ranches B, F, E, O, 6 and 5, as shown on said Tamalpais Land and Water Company's map No. 3, to the southwesterly boundary line of the lands of the North Coast Water Company:

Thence westerly and northerly along the southerly and westerly boundary lines of the lands of the North Coast Water Company as described in a deed dated the twenty-fourth day of September, 1904, and recorded in the office of said recorder in book 89 of deeds, page 154, to the northwesterly boundary line of the Rancho Saucelito, described in a patent from the United States to Guillelmo Antonio Richardson, dated the seventh day of August, 1879, and recorded in the office of said recorder in liber A of patents, page 429;

Thence southwesterly along said boundary line to the north-<sup>Boundaries</sup> easterly boundary line of the Rancho Las Baulines described in a patent from the United States to Gregorio Briones, dated January 9, 1866, and recorded in the office of said recorder in liber A of patents, page 146;

Thence northwesterly along said northeasterly boundary line to the most easterly corner of the tract of land conveyed to C. H. McMaster by a deed dated the fifteenth day of June, 1910, and recorded in the office of said recorder in book 129 of deeds, at page 139;

Thence northwesterly along the most easterly boundary of said tract to the most northerly corner thereof, said point being in the southwesterly boundary line of the Rancho Tomales y Baulines, described in a patent from the United States to Bethuel Phelps, dated the twenty-sixth day of February, 1866, and recorded in the office of said recorder in liber A of patents, page 134;

Thence northerly and easterly along the westerly and northerly boundary line of said Rancho Tomales y Baulines, to the Arroyo San Geronimo;

Thence ascending said arroyo to the westerly boundary line of the Rancho San Geronimo, described in a patent from the United States to Jose W. Revere, dated April 4, 1860, and recorded in the office of said recorder in liber A of patents, at page 10;

Thence northerly and easterly along the westerly and northerly boundary lines of said Rancho San Geronimo, to the northeast corner thereof;

Thence easterly along the southerly boundary line of the Rancho San Pedro Santa Margarita y Las Gallinas described in the patent from the United States to Timothy Murphy, dated February 21, 1866, and recorded in the office of said recorder in liber A of patents, page 392, to the southeast corner of the tract of land conveyed to Manuel T. Freitas by deed dated the fifth day of December, 1896, and recorded in the office of said recorder in book 43 of deeds, page 376;

Thence northeasterly along the easterly line of said tract to the southeast corner of the tract of land conveyed to Marin county for a poor farm, by a deed dated the twenty-third day of June, 1880, and recorded in the office of said recorder in liber U of deeds, at page 582;

Thence northerly along the easterly line of said poor farm tract to the most southerly corner of the Cat ranch, so called, owned by P. W. Riordan and described in a deed dated the twenty-fourth day of March, 1865, and recorded in the office of said recorder in liber E of deeds, at page 405;

Thence easterly along the southerly boundary line of said Cat ranch to the center of the county road leading from San Rafael to Petaluma;

Thence southerly along said center line to the northerly boundary line of the tract of land conveyed by Emma L. Code to Martin V. B. Miller by a deed dated the twenty-eighth day

Boundaries. of March, 1870, and recorded in the office of said recorder in liber I of deeds, at page 64;

Thence easterly along said northerly boundary line to the exterior boundary line of said Rancho San Pedro Santa Margarita y Las Gallinas;

Thence southerly along said easterly boundary line to the north fork of the Gallinas slough or canal;

Thence due south to the center of said slough or canal;

Thence easterly along the center line of said Gallinas slough to San Pablo bay;

Thence due east to the easterly boundary line of Marin county;

Thence southerly along said easterly boundary line to Raccoon straits;

Thence southwesterly through Raccoon straits to the most easterly corner of the town of Belvedere as established by order of the board of supervisors of Marin county, dated the twenty-first day of December, 1896, and entered in the record of the proceedings of the board of supervisors in liber I, at page 327;

Thence southwesterly along the southeasterly boundary line of said town of Belvedere to the most southerly corner thereof;

Thence southwesterly in a straight line to the southeast corner of the town of Sausalito, the point of beginning.

Control SEC. 3. The management and control of said Marin municipal water district in the county of Marin, State of California, is hereby made subject to all acts and laws of the State of California relative to municipal water districts.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

## CHAPTER 73.

*An act to amend section 4285 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-sixth class*

[Approved April 16, 1915 In effect August 8, 1915]

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

SECTION 1. Section 4285 of the Political Code is hereby amended to read as follows:

Counties of 56th class, salaries of officers 4285. In counties of the fifty-sixth class, the county officers shall receive as compensation for the services required of them by law and by virtue of their office the following salaries, to wit:

County clerk 1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy to act as clerk of the board of supervisors, who shall be appointed by the county clerk and be paid a salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time

and in the manner and out of the same fund as the salary of the county clerk is paid. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

2. The sheriff, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailer who shall be appointed by the sheriff and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid. Sheriff

3. The recorder, six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created and which copyist shall be appointed by the recorder and be paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid. Recorder

4 The auditor, seven hundred and twenty dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

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

7. The assessor, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of thirty-five dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid. Assessor.

8. The district attorney, twelve hundred dollars per annum and such fees as are now or may hereafter be paid to that officer. District attorney

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

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

11. The superintendent of schools, seven hundred and twenty dollars per annum

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

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of one thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand shall belong to and be known as townships of the second class. The population of the several townships shall be determined by the board of supervisors upon the enactment of this Classification of townships

act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1910.

Justices of  
the peace

Justices of the peace shall receive the following salaries. In townships of the first class the sum of three hundred (\$300 00) dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of three hundred (\$300.00) dollars per annum; in townships of the second class the sum of one hundred eighty (\$180 00) dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred eighty (\$180.00) dollars per annum. Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

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

Supervisors

15 Each member of the board of supervisors, four hundred and twenty dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

Reporter

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

Jurors.

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

the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 74.

*An act to amend section 4251 of the Political Code, relating to the salaries and fees of officers of the counties of the twenty-second class.*

[Approved April 16, 1915 In effect August 8, 1915]

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

SECTION 1. Section 4251 of the Political Code is hereby amended to read as follows:

4251. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, one deputy, who shall be appointed by said county clerk, who shall be paid a salary of one hundred and twenty-five dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of seventy-five dollars per month, said salaries of said deputies to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

2 The sheriff, four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff a deputy, who shall be appointed by said sheriff, who shall be paid a salary of one hundred and twenty-five dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of one hundred dollars per month, and three copyists who shall be appointed by said recorder, one of whom shall be paid a salary

of seventy-five dollars a month and two of whom shall be paid a salary of fifty dollars per month, said salaries of said deputies and of said copyists to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid.

Auditor

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor a deputy who shall be appointed by said auditor, who shall be paid a salary, of one hundred and twenty-five dollars per month, said salary of said deputy to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the auditor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the auditor a deputy who shall be appointed by said auditor for the period of time embraced between the first day of September and the first day of October in each fiscal year, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county monthly during the period of time said deputy shall be employed at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. The treasurer, three thousand dollars per annum.

Tax collector

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a deputy for the period of time embraced between the first day of July and the thirty-first day of December in each fiscal year, and also for the period of time embraced between the first day of April and the first day of June in each fiscal year. Said deputy shall be appointed by said tax collector, and shall be paid a salary of seventy-five dollars per month during the period of time said deputy shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the fifteenth day of August and the fifteenth day of December in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of fifty dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the collector is paid.

Assessor

7. The assessor, four thousand dollars per annum, and also such fees and commissions as are allowed by law; *provided*,

that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor, who shall be paid a salary of one hundred and twenty-five dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, twenty-four hundred dollars per annum. District attorney.

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

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

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

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

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of ten thousand or more shall belong to and be known as townships of the first class; townships having a population of less than ten thousand and more than five thousand shall belong to and be known as townships of the second class; townships having a population of less than five thousand and more than one thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand and more than nine hundred shall belong to and be known as townships of the fourth class; townships having a population of less than nine hundred shall belong to and be known as townships of the fifth class. The population of the several townships shall be determined by the board of supervisors upon the enactment of this act and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1910. Justices of the peace shall receive the following salaries: Classification of townships.

In townships of the first class the sum of eighteen hundred dollars (\$1,800 00) for the period beginning with the date Justices of the peace.

Justices of  
the peace

upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of eighteen hundred dollars (\$1,800.00) per annum;

In townships of the second class the sum of fifteen hundred dollars (\$1,500.00) for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of fifteen hundred dollars (\$1,500.00) per annum;

In townships of the third class the sum of one hundred eighty dollars (\$180.00) for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars (\$180.00) per annum;

In townships of the fourth class the sum of one hundred twenty dollars (\$120.00) for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars (\$120.00) per annum;

In townships of the fifth class the sum of sixty dollars (\$60.00) for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of sixty dollars (\$60.00) per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace in the first and second classes shall be allowed their actual office rent not to exceed the sum of fifteen dollars (\$15.00) per month. Also their civil and criminal dockets and legal blanks.

Constables

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

Supervisors

15. Each member of the board of supervisors, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat; and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for all distances actually traveled in the discharge of his duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of  
education

16. Each member of the board of education including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.

CHAPTER 75.

*An act to amend section four of an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22nd, 1909, as amended, so as to authorize the use of highways for the construction and maintenance of sewers.*

[Approved April 16, 1915. In effect August 8, 1915.]

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

SECTION 1. Section four of an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22nd, 1909, as amended, is hereby amended so as to read as follows:

4. Whenever the councils, sanitary boards or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, shall find, and by resolutions adopted by them shall declare, that it will be for the interest or advantage of such municipal corporation or sanitary district so to do, such municipal corporations or sanitary districts, by their respective city councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing the construction and maintenance of sewers, water mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations or sanitary districts, or in part outside of the limits thereof, at the joint cost and expense of, and for the joint use and benefit of such municipal corporations or sanitary districts, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary boards, or other legislative body of each such municipal corporation or sanitary district may bind and obligate such municipal corporation or sanitary district to pay such proportionate part of the cost of the construction and maintenance of such sewers, water mains, or other conduits at such times and in such installments as may be so approved. All contracts for the construction of sewers, water mains, or other conduits, under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations

Sewers, water mains, etc., may be constructed for joint use

Use of  
streets  
authorized

or sanitary districts, and in the manner provided in section three of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations and one or more sanitary districts, may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts, of any sewers, water mains, or other conduits theretofore, in whole or in part, constructed in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they may, by mutual agreement made by their respective city councils, sanitary boards or other legislative bodies, determine to be proper. Authority is hereby specifically granted to use the streets within the public corporations entering into such an agreement, for the construction and maintenance of sewers provided for by such agreement and whenever it is necessary to extend such sewers without the limits of the public corporations entering into such agreement then authority is hereby granted to use public highways, without the limits of an incorporated city, for the construction and maintenance of such sewers subject only to the right of the board of supervisors to make reasonable police regulations for the protection of the highways so used.

## CHAPTER 76.

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

[Approved April 16, 1915 In effect August 8, 1915]

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

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

Counties of  
34th class,  
salaries of  
officers

4263. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County clerk

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive six hundred fifty dollars additional, which shall be in full for all services rendered in registering voters and making the great register; *provided*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election.

Sheriff.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued

from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

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

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid. District attorney

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

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county. Superintendent of schools.

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

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any regular session of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board; *and provided, further*, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses; said expenses not to exceed five dollars per day while actually engaged in the performance of their duties upon the roads; *provided*, that the full amount of expenses incurred shall not exceed seventy-five dollars in any one quarter, to be allowed as other claims by the board of supervisors. Supervisors

14. From and after January 4, 1915, justices of the peace of townships containing three thousand inhabitants or more shall be allowed a salary of nine hundred dollars, per annum. Justices of the peace in townships containing one thousand and not more than three thousand inhabitants shall be allowed a salary of six hundred dollars per annum, and justices of Justices of the peace.

the peace in townships containing not to exceed one thousand inhabitants shall be allowed a salary of sixty dollars, per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; *provided, further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed.

Constables.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided, further*, that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions. For the purpose of regulating salaries of justices and constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred ten.

Official reporter.

16. In the counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

CHAPTER 77.

*An act to amend an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof"; which became a law under the constitutional provision without the governor's approval, February 25, 1901, as subsequently amended, by amending section two and section three thereof relating to the proceedings for the calling of an election therefor and by adding a new section thereto to be numbered section twelve and three-fourths, relating to the consolidation of elections.*

[Approved April 16, 1915 In effect August 8, 1915]

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

SECTION 1. Section two of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under the constitutional provision without the governor's approval February 25, 1901, as subsequently amended, is hereby amended to read as follows:

Sec. 2 Whenever the legislative branch of any city, town or municipal corporation shall, by resolution passed by vote of two-thirds of all its members determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement, including bridges, water-works, water rights, sewers, light and power works or plants, buildings for municipal uses, wharves, schoolhouses, fire apparatus, and street work, or other works, property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may at any subsequent meeting of such legislative branch, by a vote of two-thirds of all its members, order the submission of the proposition of incurring a bonded debt for the purpose set forth in said resolution, to the qualified voters of said city, town or municipal corporation, at an election held for that purpose; *provided*, that propositions of incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such election will be held, the manner of holding such election and the voting for or against incurring such indebtedness, and in all particulars not recited in such ordinance, such election shall be held as provided by law for holding

Question of  
municipal  
improvements  
submitted  
to voters

Rate of  
interest

municipal elections in such municipality; *provided, however*, that if the rate of interest to be paid on such indebtedness shall not exceed four and one-half per centum per annum payable semi-annually, the rate of interest need not be recited in such ordinance, but in its discretion the said legislative branch may recite in such ordinance a maximum rate of interest to be paid on such indebtedness, not exceeding six per centum per annum payable semi-annually, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness.

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

Publication  
of ordinance

Sec. 3. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such municipality, or once a week for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two-thirds of all the voters voting at such election to authorize the issuance of the bonds herein provided; *provided, however*, should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters, voting at such election to incur the indebtedness for the purpose specified, the legislative body of such municipality shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for improvements, substantially the same as voted upon at such prior election, unless a petition signed by fifteen per centum of the qualified electors of such municipality computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected be filed with the legislative body of such municipality, requesting that such proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act.

SEC. 3. That a new section is hereby added to said act to be known as section 12½ and to read as follows:

Consolidation  
of  
elections

Sec. 12½ Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this act, may be held separately, or may be consolidated with any other election authorized by law at which the qualified voters of such city, town or municipal corporation are entitled to vote; *provided, however*, that in the event any such election called pursuant to the provisions of this act is consolidated with any other election, the provisions of this act setting forth the procedure for the calling and holding of the election called pursuant to the provisions of this act, shall

be complied with, except, that the ordinance calling such election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those set forth in the ordinance, notice or other proceedings calling the election with which the election called pursuant to the provisions of this act, is consolidated, and shall refer to such ordinance, notice or other proceeding by number and title, or by other definite description.

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CHAPTER 78.

*An act to amend section three thousand and eighty-eight of the Civil Code, relating to negotiable instruments*

[Became a law, under constitutional provision, without Governor's approval, April 19, 1915. In effect August 8, 1915.]

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

SECTION 1 Section three thousand and eighty-eight of the Civil Code is hereby amended to read as follows:

3088. A negotiable instrument must be made payable in money only and without any condition not certain of fulfillment, except that it may provide for the payment of attorney's fees and costs of suit, in case suit be brought thereon to compel the payment thereof: *provided, however,* that bonds payable to bearer shall be negotiable, notwithstanding any condition contained therein or in the mortgage, deed of trust or other instrument securing the same.

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CHAPTER 79.

*An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements.*

[Approved April 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Any portion of a municipality incorporated under the laws of this state may be formed into a municipal improvement district for the purpose of creating an indebtedness, to be represented by bonds of said district, the proceeds from the sale of which shall be used for the acquisition or construction therein of any public improvement work or public utility which such municipality is authorized by law to acquire or construct. Such districts shall be formed and such bonds

shall be issued and sold in the manner and under the proceedings hereinafter set forth.

Petition

SEC. 2. Whenever a petition signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a municipal improvement district, setting forth a general description of the improvement work or public utility to be acquired or constructed and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of said city, said legislative body may adopt an ordinance declaring its intention to call an election in said proposed district, or as the same may have been modified as herein provided, for the purpose of submitting to the qualified electors of said district the proposition of authorizing the issuance and sale of bonds of such district in the manner and for the purpose set forth in said ordinance of intention. Said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement work or public utility. Said ordinance of intention shall also contain:

Election.

What ordinance shall contain

1. An accurate description of the exterior boundaries of the proposed municipal improvement district:

2. A general description of the improvement work or public utility proposed to be acquired or constructed therein;

3. An estimate of the cost of the proposed improvement work or public utility and of the incidental expense in connection therewith;

4. That upon a certain date fixed therein an election will be called in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement work or public utility, and that a map showing the exterior boundaries of said district with relation to the territory immediately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city.

5. A date, hour and place fixed for the hearing of protests.

Publication of ordinance

SEC. 3. Said ordinance shall be published once a day for at least six days in some newspaper of general circulation published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days per week in such municipality, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days per week. Such ordinance, unless otherwise provided by law, shall take effect upon the completion of said publication. In municipalities where no such newspaper is published such ordinance shall be posted in three public places therein, and in case of posting notice such ordinance shall take effect two weeks after date of such posting of notice.

Protests.

SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the

proposed improvement, or work, or to the acquiring or construction of the proposed public utility, or to the inclusion of his property in said district, may file a written protest, setting forth such objection, with the clerk of the legislative body at or before the time set for the hearing of said petition. The clerk of said legislative body shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said legislative body shall hear said protests at the time appointed or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests against the proposed improvement or work, or against the acquisition or construction of the public utility be sustained, no further proceedings shall be had or taken pursuant to the petition, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the legislative body shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment, be benefited by said improvement work or public utility.

Protests.

Said legislative body shall not modify such boundaries except after notice of its intention so to do, given by one insertion in said newspaper, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least ten days after the publication of said notice. Written objections to said proposed modification may be filed with the clerk of said legislative body by any interested person at or before the time set for hearing the same. Said legislative body shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If such objections, or any of them, be sustained, no further proceedings pursuant to such objection shall be taken, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained.

Modification of boundaries

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, or at the expiration of the time within which objections to the modification of the boundaries of the district, in case such modification be proposed, may be filed, if none be filed, or if such objections be filed, and, after hearing, be overruled, as above provided, then said legislative body shall be deemed to have acquired jurisdiction to proceed further in accordance with the provisions of this act.

Jurisdiction deemed acquired

Bond  
question  
submitted

SEC. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in said ordinance, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in said ordinance. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement work or public utility, contemplated thereby, the estimated cost thereof, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest to be paid on said indebtedness; and shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be six per centum per annum, payable semi-annually.

Rate of  
interest

Election.

SEC. 6. For the purposes of said election said legislative body shall in said ordinance, or resolution, establish one or more precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance, or resolution, such election shall be held as provided by law for the holding of general municipal elections in such city. Said ordinance, or resolution, ordering the holding of said election shall, prior to the date fixed for such election be published five times in a daily, or twice in a weekly or semi-weekly newspaper of general circulation, printed and published in said city and designated by said legislative body for said purpose. In cities where no such newspaper is published, such ordinance, or resolution, shall be posted in three public places therein two weeks preceding the date fixed for the holding of such election. No other notice of such election need be given. If at such election two-thirds of all the voters voting at said election, shall vote in favor of incurring such bonded indebtedness, then such legislative body shall thereupon be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district, to be provided as in this act prescribed.

Bonds

SEC. 7. Said legislative body shall, subject to the provisions of this act, prescribe the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable in the following manner:

How  
payable.

A part, to be determined by said legislative body, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year, on a day and date, and at a place to be fixed by said legislative body and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; *provided, however,* that said legislative body may in its discretion determine and

fix a date for the earliest maturity of the principal of such bonds, not more than ten (10) years from the date of the issue of such bonds, but in this event the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same.

The bonds shall be issued in such denomination as said legislative body may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum per annum, and shall be paid semi-annually; and said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality by his engraved or lithographed signature. In case any such officers whose signatures or counter-signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or counter-signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Denomina-  
tion

Interest  
coupons

SEC. 8 Said legislative body may issue and sell the bonds of such district, authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election as aforesaid.

Sale of  
bonds

SEC. 9. The legislative body of such city shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect a tax each year upon the taxable property in such district sufficient to pay the interest on such bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however,* that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected, at the time and in the manner aforesaid, each year sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be in addition to all other taxes levied for municipal purposes and when collected shall be paid into the treasury of such city and be used for

Tax levy to  
pay interest,  
etc

the payment of the principal and interest on such bonds, and for no other purpose. The principal and interest on such bonds shall be paid by the treasurer of such city in the manner provided by law for the payment of principal and interest on bonds of such city.

Letting of  
contracts

SEC 10 All contracts for the construction or completion of any public work, or improvement or public utility, or for furnishing labor, materials or supplies therefor as herein provided, shall be let to the lowest responsible bidder. The legislative body of such city shall advertise for two or more days in a newspaper of general circulation printed and published in such city, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The said legislative body shall have the right to require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting the municipality itself from constructing or completing such works improvements or public utilities and employing the labor necessary therefor, without a contractor; *and provided, further*, that in municipalities operating under a charter heretofore or hereafter framed under the provisions of the constitution of the State of California, all acts required to be performed subsequent to the sale of such bonds by this act, shall be done and performed by the proper body, board, officer or commission of such municipality, as is required or authorized by such charter to perform such acts, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the constructing or completion of public works or improvements, the contracts therefor shall be let and entered into in conformity with such charter.

City may  
do work

Expenditure  
of proceeds

SEC. 11. Said municipality shall, by and through its proper officers, have full power and authority to expend the proceeds acquired from the sale of such bonds for the acquisition or construction of the improvement work or public utility set forth in the ordinance calling said election, and shall also have full power and authority to acquire or construct such improvements, works or public utilities, and such improvements, works or public utilities so acquired or constructed shall be the property of such municipality.

Name of  
district

SEC. 12 Any district formed under the provisions of this act shall be known as Municipal Improvement District No. (inserting number) of city of ----- (inserting the name of the municipality in which such district is located).

SEC. 13. This act shall not affect any other act or acts relating to the same, or a similar subject, but it is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act, its provisions and none other shall apply.

SEC. 14. The provisions of this act shall be liberally construed to effect the purpose thereof.

CHAPTER 80.

*An act to validate bonds of school districts and high school districts and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.*

[Approved April 21, 1915 In effect August 8, 1915]

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

SECTION 1. Where in any school district of any kind or class, including union school districts and joint union school districts, or high school district of any kind or class, including union high school districts and joint union high school districts, proceedings have been taken for the purpose of issuing and selling bonds of such district, for any purpose or purposes, all the acts and proceedings of the board of trustees, board of education or other governing body of such district and all the acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have heretofore been sold, and all such acts and proceedings heretofore had although the bonds are not yet sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds heretofore sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligations of and against the district having heretofore issued, or hereafter issuing, such bonds, and the faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

School district bonds validated

SEC. 2 For the purpose of paying the interest on such bonds as it becomes due and the principal thereof at maturity, the assessors, treasurers, boards of supervisors, and other officers of the respective counties, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy, and collection of taxes, and custody of funds, for the payment of the principal and interest of bonds of school districts and high school districts of every kind or class, respectively.

Tax levy for interest, etc.

SEC. 3 This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such district, voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance.

Sold at par.

## CHAPTER 81.

*An act confirming and validating the organization of school districts.*

[Approved April 21, 1915 In effect August 8, 1915.]

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

School  
district  
organization  
validated

SECTION 1. Where the board of supervisors of any county have purported to establish a school district of any kind or class situated within such county and such district has acted as a school district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of creating such district are hereby legalized, validated and declared to be sufficient, and such school district is hereby declared to be duly incorporated and as such school district under its appropriate name shall have all the rights and privileges and be subject to all of the duties and obligations of a duly incorporated school district.

## CHAPTER 82.

*An act to amend section one thousand eight hundred eighty-five of the Political Code of the State of California, relating to the form of bonds of school districts.*

[Approved April 21, 1915 In effect August 8, 1915.]

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

SECTION 1. Section one thousand eight hundred eighty-five of the Political Code of the State of California is hereby amended to read as follows:

School  
district  
bonds

1885. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof. If the notice calling the election shall have provided that the bonds and interest thereon shall be payable in gold coin of the United States, the bonds shall be made payable in such gold coin, as to principal and interest. If the notice calling the election shall have provided that the bonds and interest thereon shall be payable in lawful money of the United States, the bonds shall be made payable in lawful money of the United States, as to principal and interest. If the notice shall have made no such specific provisions the board of supervisors shall have power in the order prescribing the form of bonds either to make the bonds payable in gold coin of the United States as to principal and interest, or to make them payable in lawful money of the United States as to principal and interest.

CHAPTER 83.

*An act to amend section five hundred seventy of the Code of Civil Procedure of the State of California, relating to the disposition of unclaimed funds in the hands of a receiver.*

[Approved April 21, 1915. In effect August 8, 1915.]

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

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

570. A receiver having any funds in his hands belonging to a person whose whereabouts are unknown to him, shall, before receiving his discharge as such receiver, publish a notice, in one or more newspapers published in the county, at least once a week for four consecutive weeks, setting forth the name of the owner of any unclaimed funds, the last known place of residence or post office address of such owner and the amount of such unclaimed funds. Any funds remaining in his hands unclaimed for thirty days after the date of the last publication of such notice, shall be reported to the court and, upon order of the court, all such funds must be paid into the state treasury accompanied with a copy of the order, which must set forth the facts required in the notice herein provided. Such funds shall be paid out by the state treasurer to the owner thereof or his order in such manner and upon such terms as are now or may hereafter be provided by law.

Notice of unclaimed funds in receiver's hands

CHAPTER 84.

*An Act to add a new section to the Code of Civil Procedure to be numbered one thousand two hundred and seventy-three, relating to escheated property.*

[Approved April 21, 1915. In effect August 8, 1915.]

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

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

1273. All amounts of money heretofore or hereafter deposited with any bank to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest and which shall have remained unclaimed for more than twenty years after the date of such deposit, or withdrawal of any part of principal or interest, and where neither the depositor or any claimant has filed any notice with such bank showing his or her present residence, shall, with the increase and proceeds thereof, escheat to the

Unclaimed bank deposits escheat to state.

Action  
commenced

state. Whenever the attorney general shall be informed of such deposits, he shall commence an action or actions in the name of the State of California, in the superior court for the county of Sacramento, in which shall be joined as parties the bank or banks in which the moneys are deposited and the names of all such depositors. All or any number of depositors or banks may be included in one action. Service of process in such action or actions shall be made by delivery of a copy of the complaint and summons to the president, cashier or managing officer of each defendant bank, and by publication of a copy of such summons in a newspaper of general circulation published in said county for a period of four weeks. Upon the trial the court must hear all parties who have appeared therein and if it be determined that the moneys deposited in any defendant bank or banks are unclaimed as hereinabove stated, then the court must render judgment in favor of the state declaring that said moneys have escheated to the state and commanding said bank or banks to forthwith deposit all such moneys with the state treasurer, to be received, invested, accounted for and paid out in the same manner and by the same officers as is provided in the case of other escheated property.

Service of  
process

#### CHAPTER 85.

*An act to amend section one thousand two hundred seventy-eight of the Code of Civil Procedure, relating to hearing application for change of name, and remonstrance, and requiring production of the certificate of the superintendent of banks, by banking corporations, that name desired does not resemble so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this state.*

[Approved April 21, 1915 In effect August 8, 1915]

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

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

Change of  
name of  
bank

1278. Such application must be heard at such time as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court good reason against such change of name. On the hearing, the court may examine on oath any of the petitioners, remonstrants, or other persons, touching the application, and may make an order changing the name, or dismissing the application, as to the court may seem right and proper; *provided*, that if the applicant for a change of name be a corporation, such applicant shall file in court at the time of hearing the application, the certificate of the secretary of state that the name desired to be used by the applicant, is not the corporate name of any corporation existing at said time, and that said name does not so

Certificate  
of secretary  
of state

closely resemble the name of any such existing corporation as will tend to deceive; *provided, further*, that if the applicant for a change of name be a banking corporation, such applicant shall file in court at the time of hearing the application, the certificate of the superintendent of banks that the name desired to be used by the applicant does not resemble so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this state

Certificate of superintendent of banks.

CHAPTER 86.

*An act authorizing any municipality to incur indebtedness by the issuance and sale of bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds, evidences of debt or liens issued for public improvements in said municipality.*

[Approved April 22 1915. In effect August 8 1915.]

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

SECTION 1. Any municipality incorporated under the laws of the State of California may incur a bonded indebtedness by the issuance and sale of bonds to be known as "municipal investment bonds," the proceeds from the sale of which shall be used for the purchase of municipal securities or evidences of debt, either of the municipality or of boroughs or districts therein; including municipal bonds, borough bonds, district bonds, or any bonds or liens arising out of the construction or acquiring of public improvements by local assessment within such municipality. Bonds, securities or other evidences of debt so purchased may at any time be resold at a price not less than that at which they were originally purchased by the city. The proceeds from the sale of investment bonds may also be used for the temporary financing of public improvements which shall have been legally authorized to be paid for by special assessments. Money expended from a municipal investment bond fund shall, as soon as practicable, be returned to said fund from the receipts derived from the securities in which it was invested, or from the proceeds of the special assessments levied and collected to meet the cost of such improvements in accordance with the legal procedure that may be prescribed therefor.

Municipal investment bonds

Bonds may be resold

SEC. 2. Bonds issued under the provisions of this act shall be issued in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," in effect February 25, 1901, and amendments thereto; *provided, however*, that the ordinance calling the election therein provided for, need not contain any statement as to

How bonds may be issued.

the proposed public improvement, or the estimated cost thereof. Such bonds when issued shall be redeemed and paid as provided in the hereinabove mentioned act.

Municipal  
investment  
bond fund

SEC. 3. It shall be the duty of the legislative branch of every municipality availing itself of this act to keep the funds arising from the sale of bonds issued under this act separate and distinct from all other municipal funds, in a fund to be known as the "municipal investment bond fund," and to invest and reinvest the same in bonds of said municipality, or of boroughs or districts therein, or in bonds, or liens or other evidences of debt arising out of the construction or acquisition of public improvements therein by local assessments, and to collect the principal thereof and the interest thereon and place the same in said fund; and said municipality shall have the right to sell, at the discretion of its legislative branch, any such bonds, evidences of debt or liens acquired or held by it: *provided*, that none of such bonds, evidences of debt or liens shall be sold at a price less than the cost or expense to such municipality of such bonds, evidences of debt or liens respectively. The amount received from the sale of such bonds, evidences of debt or liens so sold, together with the accrued interest thereon, shall be paid into said "municipal investment bond fund," and may be again reinvested as aforesaid.

SEC. 4. The provisions of this act shall not repeal or modify the provisions of any other act.

## CHAPTER 87.

*An act to amend section four hundred eight of the Political Code, relating to the duties of the secretary of state.*

[Approved April 22, 1915. In effect August 8, 1915.]

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

Duties of  
secretary  
of state.

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

408. In addition to the duties prescribed by the constitution, it is the duty of the secretary of state:

1. To attend at every session of the legislature, for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two houses, or either of them;

2. To keep a register of, and attest the official acts of, the governor;

3. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments, to which the official signature of the governor is required;

4. To record in proper books all conveyances made to the state (except conveyances made under the revenue law of lands sold for taxes), and all articles of incorporation filed in his office;

Duties of  
secretary  
of state

5. To receive and record in proper books the official bonds of all the officers whose bonds are fixed by part three of this code, and then to deliver the original to the state treasurer;

6. To record in a proper book all changes of names certified to him by the county clerks, in the manner in which such record is now made;

7. To take and file in his office receipts for all books distributed by him, and to direct the county clerk of each county to do the same;

8. To certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor, and also to certify and declare the result of any election upon any question submitted to the electors of the state by either initiative or referendum petition, filed in his office, and to make official declaration of the vote upon each such question;

9. To furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

10. To deliver to the superintendent of state printing, within sixty days after the day on which a general election is held throughout the state, his certificate showing what law or laws or constitutional amendments, proposed by initiative petition and approved by the people, have gone into operation, and the date of going into operation; and the result of any election upon any question submitted to the electors of the state, within two years next preceding, by initiative or referendum petition; and to deliver to the superintendent of state printing, within one hundred days after the final adjournment of each session of the legislature, his certificate showing what acts, or sections, or parts of acts of the legislature are delayed from going into effect by referendum petition properly certified and filed in his office;

11. To keep a fee book, in which must be entered all fees, commissions, and compensation of whatever nature or kind by him earned, collected, or charged, with the date, name of payer, paid or not paid, and the nature of the service in each case, which book must be verified annually by his affidavit entered therein;

12. To file in his office descriptions of seals in use by the different state officers and furnish such officers with new seals whenever required;

13. To perform all other duties required of him by law;

14. To report to the governor at the time prescribed in section three hundred thirty-two, a detailed account of all of his official actions since his previous reports, and accompanying the report with a detailed statement, under oath, of the manner in which all appropriations for his office have been expended.

## CHAPTER 88.

*An act to amend section eight hundred sixty-eight of the Code of Civil Procedure of California, relating to writs of attachment.*

[Approved April 22, 1915. In effect August 8, 1915.]

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

SECTION 1. Section eight hundred sixty-eight of the Code of Civil Procedure of California is hereby amended so as to read as follows:

Writs of attachment.

868. The writ may be directed to the sheriff or any constable of the county in which such justice court is situate, and must require him to attach and safely keep all the property of the defendant within his county, not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which must be stated in conformity with the complaint, unless the defendant give him security, by the undertaking of two sufficient sureties, in an amount sufficient to satisfy such demand, besides costs; in which case, to take such undertaking.

Served out of county

Several writs may be issued at the same time to the sheriffs or constables of different counties; *provided*, that where a writ of attachment issued by a justice of the peace is to be served out of the county in which it was issued, the writ of attachment shall have attached to it a certificate under seal, by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace of said county, at the date of the writ.

## CHAPTER 89.

*An act to amend section six hundred twenty-eight f of the Penal Code of the State of California, relating to the protection of shellfish.*

[Approved April 22, 1915. In effect August 8, 1915.]

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

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

Pismo clams

628f. Every person who gathers or takes in any manner or has in his possession any clam known as the pismo clam (*Tivela stultorum*) which shall measure less than twelve inches around the outer edge of the shell, or who, during any one calendar day, takes, gathers in any manner or has in his possession more than fifty of said clams is guilty of a misdemeanor.

Cockles

SEC 2 Every person who takes, gathers in any manner or has in his possession or who ships, offers for shipment, sell's

or offers for sale any cockles or short-neck clams (*Tapes staminea*) measuring less than one and one-half inches in the greatest length, exclusive of the curve, is guilty of a misdemeanor.

SEC. 3. Every person who takes, catches or gathers in any manner any razor clam (*Siliqua patula*), except during a period of forty-eight hours beginning at the first low tide after the first high tide (large water) of the full moon of each month and for a period of forty-eight hours beginning at the first mean low tide after the first high tide (large water) of the new moon of each month, or who takes, catches or gathers in any way more than fifty of said razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Razor clam:

SEC. 4. Every person who ships or offers for shipment or receives for shipment or transportation any species of clam taken in fish and game districts five, six, seven, eight, and nine is guilty of a misdemeanor, or any person who offers for shipment or receives for shipment or transportation any species of crab taken in fish and game districts eight and nine is guilty of a misdemeanor.

Crabs

SEC. 5. Where the word "fish" is used in this chapter, it shall also include all crustaceans and mollusks.

Fish defined

## CHAPTER 90.

*An act to add two new sections to the Political Code of the State of California to be numbered sections seventeen hundred fifty a. and sixteen hundred seventeen d, relating to the establishment of intermediate school courses by high school boards and authorizing boards of school trustees and boards of education in common school districts to permit pupils of certain grades to attend such intermediate school courses.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered seventeen hundred fifty a. to read as follows:

1750a The high school board of any high school district or the trustees of any high school, may prescribe intermediate school courses, and admit thereto pupils who have completed the sixth year of the elementary school; *provided*, that no intermediate school course shall be prescribed in any county union or joint union high school district, unless the elementary schools within such high school district show a total enrollment of at least one hundred pupils in the seventh and eighth grades during the preceding school year, and

Intermediate school courses

Election unless, at an election called for that purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat shall vote in favor of such intermediate school course. The

Ballots. ballots used at such election shall contain the words "Intermediate school course—Yes" and "Intermediate school course—No." The result of said election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district. The first two years of such intermediate school course shall include instruction in the school studies generally taught in the seventh and eighth grades of the elementary school, and may include such other studies, including secondary, vocational and industrial subjects, as said high school board may prescribe. The average daily attendance of all pupils from each district, enrolled in the first two years of such intermediate school course, shall be kept separate and shall be credited to the common school district in which the various pupils reside; *provided*, that when any intermediate school course is first established under the provisions of this section, the course of study therefor shall be adopted between the first day of July and the date of the opening of school for the current school year.

Daily attendance

SEC. 2. A new section is hereby added to the Political Code of the State of California to be numbered sixteen hundred seventeen *d*, to read as follows:

1617*d*. The board of education of any city, or of any city and county, or the board of school trustees of any school district situated within a high school district maintaining an intermediate school course, shall permit pupils who have completed the sixth year of the elementary school to attend an intermediate school course established as provided by section seventeen hundred fifty *a*, of the Political Code, and shall pay to such high school district for the education of such pupils, a tuition charge which shall be agreed upon by said board of education, or board of school trustees, and the high school board maintaining such intermediate school course: *provided*, that such board of education or board of school trustees shall not pay to any such high school board for educating a pupil, residing in such elementary school district and attending such intermediate school course, a tuition charge greater than the average net cost per pupil for educating pupils in the first six years of the elementary school in said elementary school district: *and provided, further*, that such tuition charge shall cease to be paid after the pupil has completed two years of work in such intermediate school course.

Pupils who may attend

Tuition

CHAPTER 91

*An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "railroad commission fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act*

[Approved April 23, 1915. In effect August 8, 1915.]

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

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

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

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

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

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

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

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

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

- Definitions.  
"Street  
railroad cor-  
poration."
- (h) The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state.
- "Railroad "
- (i) The term "railroad," when used in this act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.
- "Railroad corpora-  
tion "
- (j) The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.
- "Express corpora-  
tion "
- (k) The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state.
- "Common carrier "
- (l) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.
- "Pipe line "
- (m) The term "pipe line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.
- "Pipe line corpora-  
tion "
- (n) The term "pipe line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this state.

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

Definitions  
"Gas  
plant "

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

"Gas cor-  
poration "

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

"Electric  
plant "

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

"Electrical  
corpora-  
tion "

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

"Telephone  
line "

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

"Telephone  
corpora-  
tion "

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

"Telegraph  
line."

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees,

"Telegraph  
corpora-  
tion "

- Definitions receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state.
- "Water system" (u) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use.
- "Water corporation." (r) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this state.
- "Vessel" (y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property.
- "Wharfinger" (z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state.
- "Warehouseman" (aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.
- "Public utility" (bb) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, where the service is performed for or the commodity delivered to the public or any portion thereof. The term "public or any portion thereof" as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the state, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman performs a service or delivers a commodity to the public or any

portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman is hereby declared to be a public utility subject to the jurisdiction, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act.

SEC. 3. (a) The railroad commission shall consist of five members, who shall be appointed by the governor from the state at large. Upon the expiration of the terms, respectively, for which the commissioners now in office were appointed, the term of each commissioner thereafter shall be six years. The commissioners shall elect one of their number president of the commission. Railroad  
commission.

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

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

SEC. 5. The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants Secretary

Assistant  
secretary

and notices, and to perform such other duties as the commission may prescribe. The commission may appoint an assistant secretary, who shall have all the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this state. The secretary and the assistant secretary shall have power to administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

Other  
employees

SEC. 6. The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission. The commission shall have power to employ, during its pleasure, examiners who shall have power to administer oaths, examine witnesses, issue subpoenas and receive evidence, under such rules and regulations as the commission may adopt.

Oath of  
officeQualifica-  
tions.

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

Office of  
commis-  
sion.

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

Seal.

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

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

SEC. 9. A majority of the commissioners shall constitute a Quorum quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or commissioners designated for the purpose by the commission. The Taking evidence evidence in any investigation, inquiry or hearing may be taken by the commissioner or commissioners to whom such investigation, inquiry or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion and order made by the commissioner or commissioners so designated, pursuant to such investigation, inquiry or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, opinion and order of the commission.

SEC. 10. (a) The annual salary of each commissioner shall Salaries be eight thousand (8,000) dollars. All officers, experts, engineers, statisticians, accountants, examiners, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners shall be civil executive officers and their salaries as fixed by law shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every person employed by the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

(b) All expenses incurred by the commission pursuant to Expenses the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, and their employees, incurred while on business of the commission, and including the premium or charge for bonds given by surety companies for employees of the commission when required by the commission; *provided, however,* Premium on bonds that no such premium or charge shall exceed one-half of one per cent per annum of the amount of such bond, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control

SEC. 11. The commissioners and the officers and employees Pass on railroads, etc. of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels and other vehicles of every common

carrier, as said term is defined in this act, subject in whole or in part to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel or other vehicle of such common carrier, whether such railroad, car, vessel or other vehicle be used for the transportation of passengers or freight, and regardless of its class

Annual  
report

SEC. 12. The commission shall make and submit to the governor on or before the first day of December of each year, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the state.

Public  
utility  
charges  
to be just.

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

Equipment,  
etc., to be  
safe and  
convenient

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

Rules to be  
reasonable.

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

Common  
carrier  
rates to be  
fixed

SEC. 14. (a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classifications for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and

Terminal  
charges.

classifications, or the value of the service rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property are issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the interstate commerce commission under said act.

Copy for  
public  
inspection

Form of  
schedule.

(b) Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals and charges, as to which the commission, by the amendment of November third, nineteen hundred and fourteen to section twenty-three of article twelve of the constitution of California and this act, for the first time acquires jurisdiction, shall not in any case exceed the rates, tolls, rentals or charges in effect on November third, nineteen hundred and fourteen. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals or charges, from time to time, in excess of or less than those shown by said schedules.

Rates of  
other  
public  
utilities to  
be filed

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

Changes in  
form of  
schedule

Change in  
public  
utility  
rates after  
thirty days'  
notice

SEC. 15. Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, except after thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

Filing of  
joint  
rates.

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

No trans-  
portation  
until rates  
are filed

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

Different  
rate not  
to be  
charged

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

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

Passes not to be given, except to own officers, etc.

Employees defined

No pass to shipper

or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; and *provided, further*, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this state; and *provided, further*, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

Railroad  
commission

Newspapers

Express  
matter to  
company's  
officers.

Exceptions.

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

United  
States,  
state, etc.,  
property  
may be  
carried  
free in  
certain  
cases.

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or

reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; *provided*, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

Rebates prohibited

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

Schedule of fares, etc., to be filed

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

Different rates prohibited

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

Economies encouraged

economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine.

Sliding  
scale of  
charges

SEC. 21. Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or power, or telegraph or telephone service, from establishing a sliding scale of charges; *provided*, that a schedule showing such scale of charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this act shall be taken to prohibit any such corporation or person from entering into an agreement for a fixed period for the automatic adjustment of charges for heat, light, water or power, or telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person; *provided*, that a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

Transfer of  
passengers,  
cars, etc.,  
to be  
facilitated.

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

Duty to  
establish  
joint rates  
not  
modified

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

Telephone,  
etc., con-  
nections

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

SEC 23. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this state at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time. No person, corporation, or any officer, agent or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

False  
billing  
weights,  
etc.  
prohibited

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

Obtaining  
allowance  
by false  
billing,  
etc.  
prohibited.

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

Short and  
long haul.

(b) No telephone or telegraph corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance

Short and  
long  
distance  
telephone  
messages.

over the same line or route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act; but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph corporation may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

Connection  
between  
railroads  
and private  
tracks

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

To  
construct  
spur and  
handle  
freight.

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

Foreign  
corpora-  
tions to  
comply  
with law.

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

commerce with foreign nations or commerce among the several states of this union may transact within this state such commerce and intrastate commerce of a like character.

SEC. 27. No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the commission that such greater charge is justified. *provided*, that until the decision of the commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare lawfully in effect on November 3, 1914. Every street or interurban railroad corporation shall upon such terms as the commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

Street car fare in city

Transfers

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

Companies to furnish information

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

Filling blanks

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

Books and inventory of property

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

Information not open to public

SEC. 29. Every public utility shall annually furnish to the commission at such time and in such form as the commission may require a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any public utility

Annual report

to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special reports concerning any matter about which the commission is authorized by this or any other act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the commission.

Compliance  
with  
orders.

SEC. 30. Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

Supervision  
of public  
utilities  
vested in  
commission

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

Power to  
change  
unjust  
rates.

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

Power  
to fix new  
rates

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

Power to  
fix joint  
rates.

SEC. 33. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares or charges in force over two or more common carriers, between any two points in this state, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare or charge exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare or charge

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

Division of rates between carriers.

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

Power to investigate interstate rates.

SEC. 35 Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods

Unjust rules, etc., may be changed

to be observed, furnished, constructed, enforced or employed and shall fix the same by its order, rule or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

Improvements may be ordered

SEC. 36. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the commission orders the erection of a new structure, it may also fix the site thereof. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the commission has ordered to be erected, require joint action by two or more public utilities, the commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

May order railroads to run additional cars, etc

SEC. 37. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time

schedule for the run, the commission shall have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

SEC. 38. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having connections made between the tracks of any two or more railroad or street railroad corporations, so that cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city and county, or city or town, the commission may likewise order such physical connection, within such city and county, or city or town, between two or more railroads which enter the limits of the same. The commission shall by order direct whether the expense of the connections referred to in this section shall be borne jointly or otherwise

Connection between tracks may be ordered

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

May order in spur track refused by company.

Switching  
charges

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

Physical  
connections  
between  
telephone  
lines  
may be  
ordered

SEC. 40. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made on the payment of such compensation, if any, as the commission may find to be just and reasonable, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

Use of  
conduits,  
etc., of one  
company  
by  
another  
may be  
ordered

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

commission shall have power to ascertain and direct the payment, prior to such use, of fair and just compensation for damage suffered, if any.

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

Safety devices

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

No grade crossings

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

Power to determine crossing point

SEC. 44. The commission shall investigate the cause of all accidents occurring within this state upon the property of any public utility or directly or indirectly arising from or connected

Investigation of accidents

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

Time for  
furnishing  
cars after  
demand, etc

SEC. 45. (a) The commission shall have power to provide by proper rules and regulations the time within which all railroad corporations shall furnish, after demand therefor, all cars, equipment and facilities necessary for the handling of freight in carload and less than carload lots, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroad corporations, consignors and consignees to conform to such rules. Charges for demurrage shall be uniform so that the same penalty shall be paid by both shipper or consignee and railroad corporation for an equal number of cars for each day for which demurrage is charged.

Time for  
receiving  
express  
packages,  
etc

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

Power to  
prescribe  
standards  
for  
electrical,  
gas and  
water  
corporations

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

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

Entering premises for tests, etc

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

Testing measuring appliances

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

Valuation of public utility property

Any county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or any other public corporation may, at any time, file with the commission a petition setting forth the intention of said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation to acquire under eminent domain proceedings, or otherwise, any existing public utility and the lands, property and rights of any character, whatsoever, connected with such existing public utility, or any part or portion thereof. Said petition shall give a full and complete description of said public utility, lands, property and rights, or the parts or portions thereof, it is so intended to acquire, and may pray that the commission fix and determine the just compensation which shall be paid by such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation under the law, for said public utility and said lands, property and rights thereof, or the parts or portions thereof sought to be acquired. Or the legislative or other governing body of any such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation may file with the commission a petition setting forth its intention to initiate such

Cities may ask commission to fix value of property they seek to acquire

proceedings as may be required under the law governing such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation for the purpose of submitting to the voters of said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation, a proposition to acquire under eminent domain proceedings, or otherwise, any existing public utility and the lands, property and rights of any character whatsoever connected with such existing public utility, or any parts or portions thereof. Such petition shall give a full and complete description of the said public utility, lands, property, rights, or the parts or portions thereof concerning which it is so intended to initiate said proceedings as above described. Upon either of such petitions being filed, the commission shall proceed to fix and determine the just compensation that should be paid to the owner of such public utility and the lands, property and rights thereof, or any such parts or portions thereof, in the manner and in accordance with the provisions of section 70 of this act. In the case of the petition first above described, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation must commence an action in a court of competent jurisdiction and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility, and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation, for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70, before commencing such proceedings in eminent domain. In the case of a petition of said legislative or other governing body of any county, city and county, incorporated

Cities may commence action after determination of value.

city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation filed as above described, setting forth its intention to so initiate such proceedings for the purpose of so submitting a proposition to the voters of any such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation then within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such part or portion thereof, the said legislative or other governing body must so initiate such proceedings, unless there be obtained a writ of review from the supreme court of the State of California, in accordance with the provisions of section 70 hereof, and if said writ of review be so obtained the time for the initiation of such proceedings shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review. If the people of any such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall thereafter, as required by the law governing such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district, or other public corporation, vote in favor of any proposition to acquire under eminent domain proceedings, or otherwise, said public utility, or the lands, property and rights thereof, or any such parts or portions thereof, then the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall, within sixty days after the people have so declared in favor of such acquisition, commence an action in a court of competent jurisdiction, and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall not be required to

If people  
vote to  
acquire  
property

delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70 before commencing such proceedings in eminent domain; *provided, however*, that in any case where the law governing any such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation permits such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation to commence and prosecute such proceedings in eminent domain prior to any such vote being had by the people, then the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation whose legislative or other governing body has so filed such petition with the commission, as above described, may, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility, and the lands, property and rights thereof, or any such part or portion thereof, commence an action in a court of competent jurisdiction and in a manner and in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility, and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70 before commencing such proceedings in eminent domain.

When city  
must  
provide  
funds

Whenever the owner of such existing public utility and such lands, property and rights thereof, or any such parts or portions thereof, shall file such a stipulation, the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation must proceed with all due diligence to provide the necessary funds under the laws governing the providing of such funds, for paying to the

owner of such existing public utility and such lands, property and rights thereof or any such parts or portions thereof, the amount fixed by the commission as the just compensation to be paid. Upon such compensation being paid to the owner of said existing public utility or the lands, property and rights thereof, or any such parts or portions thereof, the owner thereof shall make and execute to the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation a deed of grant, bargain and sale conveying all of the right, title and interest such owner has in the existing public utility and lands, property and rights thereof, or any such parts or portions thereof whose value has been so fixed as herein provided. And in default of such deed the commission is hereby empowered to execute such deed, as the trustee of said public utility and lands, property and rights thereof, or any such parts or portions thereof. Should the owner of such existing public utility and the lands, property and rights thereof, or such parts or portions thereof, fail to file such a written stipulation as above, the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation must commence the action herein provided for within the time herein provided for. In such action the compensation fixed by the commission to be paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall be deemed final and conclusive between the parties; and the court in which the action is pending, if it shall first decide that such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation has the right and power under the law to take the said existing public utility and the lands, property and rights thereof, or such parts or portions thereof, whose value has been so fixed as herein provided for, shall enter a decree in favor of the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation as provided by law, fixing the amount that shall be paid as the just compensation for the taking of such existing public utility and the lands, property and rights thereof, or any parts or portions thereof, as the amount fixed and determined by the commission. The judgment shall include a provision, in substance, that said judgment is subject to modification on account of any unreasonable depreciation or deterioration in value of the property taken, or on account of any loss which might be suffered by the owner of said public utility through his being required to properly take care of said property, as is hereinafter more fully provided for. If between the date of the filing of any such petition and the payment of the compensation to the owner of the

Deed of grant

Court to fix amount determined by commission

Depreciation of property.

publie utility, the owner of the public utility shall permit the property taken to unreasonably depreciate or deteriorate in value. the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation may file with the commission a petition setting forth that fact, and praying that the commission determine and fix the amount of said unreasonable depreciation or deterioration. The commission shall thereupon order a copy of said petition to be served upon the owner of said public utility with an order to within ten days appear before said commission and show cause why there should not be deducted from the amount of compensation to be paid an amount sufficient to cover said depreciation or deterioration. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such depreciation or deterioration, and if so, what amount should be deducted therefor from the compensation to be paid. Hearings shall be had in the same manner as provided in section 70 of this act. The commission shall thereupon certify to the court any amount which may be determined upon that should be so deducted from the compensation, and the court shall thereupon modify its judgment in order to conform with said ascertainment by said commission. If between the time when the judgment in condemnation has become final and the time of the payment of the compensation the owner of the public utility shall, in order to preserve the property, be required to suffer a loss, the said owner may file a petition with the commission setting forth this fact, and praying that the commission determine and fix the amount of the loss which the owner has so suffered. The commission shall thereupon order a copy of said petition to be served upon the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation with an order to within ten days appear before said commission to show cause why there should not be paid, in addition to the amount of the judgment, an amount sufficient to compensate for the said loss. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such loss, and if so, how much. The hearing shall be conducted as provided in section 70 of this act. The commission shall thereupon certify to the court any amount of loss so determined upon, and the court shall thereupon modify its judgment in order to conform with said ascertainment by the commission. Said amount of loss which may be so required to be paid to the owner of said utility shall not be considered as compensation for the property taken, but shall be considered as damages awarded for the loss so sustained by the owner of the utility. And the filing of any such petition by the owner of the utility shall not act as a stay of the decree in condemnation, but upon the payment of the

Service of  
petition on  
owner.

Hearing

Compensa-  
tion for  
loss

Decree not  
stayed

amount fixed in the original decree in condemnation, the plaintiff shall be entitled to immediate possession of the property taken. The findings of the commission fixing the just compensation to be paid or the amount that should thus be deducted from the judgment on account of such unreasonable depreciation or deterioration, or that should thus be added to the judgment on account of said loss suffered, shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. Said writ of review may be issued at the instance of either the owner of the public utility or of the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation.

Review by  
supreme  
court.

Should a writ of review be obtained from the supreme court of the State of California in accordance with the provisions of section 70 hereof, the time for the filing of such suit in eminent domain by the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review; or, should said writ of review be obtained prior to the vote by the people of said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation upon any such proposition, then said sixty days period to be extended to not longer than sixty days after such vote is had. If the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation or the legislative or other governing body thereof shall fail to file such suit or proceed diligently to enforce the rights herein conferred and in the manner herein set forth, then upon written petition from the owner of such existing public utility setting forth said fact, the commission shall cause a notice of not less than ten days to be given to said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation to appear before said commission and show cause why an order should not be made by said commission, finding that the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation has failed to diligently pursue its rights hereby conferred, and determining that the findings of the said commission theretofore made as to the just compensation that should be paid for the existing public utility and the lands, property and rights thereof or any such part or portion thereof, shall no longer be of any force or effect. And said notice shall include a copy of

How  
obtained.

Failure of  
city to  
proceed  
diligently

Court may  
refer matter  
back to  
commission

Extra costs

Not  
exclusive  
mode of  
procedure.

said written petition so filed by said owner of such existing public utility. If the commission shall determine that said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation or the legislative or other governing body thereof has so failed to either file such suit or to proceed diligently to enforce the rights herein conferred and in the manner herein set forth, the commission shall make and enter such an order as so petitioned for by the owner of such existing public utility. Should the supreme court, upon a writ of review being obtained, decide that in any manner the commission has not lawfully pursued its power hereby conferred or conferred in this act, the supreme court shall make its findings and refer the matter back to the commission for correction or further action. Upon such writ coming down to the commission, it shall proceed, as in the first instance to correct its findings in the manner specified in the writ of review. Any such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation must pay at such times in such amounts as may be directed by said railroad commission any extra costs which it might be necessary for said railroad commission to incur in order to comply with the requirements of this section. And the court, upon rendering any judgment in eminent domain, as herein provided for, may include therein the allowance of such costs as between the parties as is provided for in the law of eminent domain of this state. The rights herein conferred upon any county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation or upon the legislative, or other governing body thereof, to so file with the commission a petition for the ascertainment of the just compensation that should be so paid for any such existing public utility and lands, property and rights thereof, or any such part or portion thereof, shall not be considered as an exclusive mode of procedure, but shall be considered as an alternative and cumulative procedure which may be followed by such county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation or the legislative or other governing body thereof in addition to any other method of procedure provided for in law for the taking by said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation of any such public utility or lands, property and rights thereof, or any such part or portion thereof, under eminent domain proceedings, in accordance with the law of this state; and this act shall not be construed as repealing any law of this state providing for such eminent domain proceedings.

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

System of  
accounts,  
records, etc

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

Deprecia-  
tion  
account.

New  
con-struction  
only after  
commis-  
sion's  
certificate.

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

Exercise  
of rights  
under  
franchise  
only when  
necessity  
requires

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

Articles of  
incorpora-  
tion must  
be filed

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city

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

Certificate  
authorizing  
construc-  
tion.

(d) The legislature hereby declares that the provisions of this section are being enacted under the state's reserved power over public utilities or corporations, or both, as the case may be, for the purpose of acting on the right of the grantee of a public utility franchise granted by a county, city and county or incorporated city or town, to exercise rights thereunder, and not for the purpose of acting on the right of any city and county or incorporated city or town to grant any such franchise. The legislature hereby declares that the provisions of this section shall be and remain in full force and effect concurrently with the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law.

State's  
reserved  
power over  
utilities

SEC. 51. (a) No railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public utility, without having first secured from the commission an order authorizing

Selling,  
leasing,  
etc. of  
public  
utilities

it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section fifty of this act, or the sale, lease, assignment mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

Acquire-  
ment of  
stock of  
one public  
utility by  
another

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

Power of  
public  
utilities  
to issue  
stocks.

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

Purposes  
for which  
stock, may  
be issued.

(b) A public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility.

for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; *provided*, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of sections 369 and 456 of the Civil Code of this state, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utility corporations. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of

Order  
authorizing  
issue.

Hearing.

Purpose  
of issue

Notes

No power to capitalize right to be a corporation.

the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

Account of disposition of proceeds

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

Stocks issued without order void.

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

Penalty for unauthorized issue of stocks, etc.

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

Penalty for unauthorized act of officer, agent, etc

(f) Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this

subpœna, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpœna, before the commission or commissioner, in the cause or proceeding named in the notice and subpœna, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpœna was regularly issued by the commission or a commissioner, the court shall thereupon enter an order that said witness appear before the commission or said commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this subsection is cumulative, and shall not be construed to impair or interfere with the power of the commission or a commissioner to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

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

Deposition  
of  
witnesses

(d) No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment

Persons not  
excused  
from  
testifying

for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

Copies of  
documents  
as evidence

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

Orders of  
commission  
to be in  
writing

(b) Every order, authorization or certificate issued or approved by the commission under any provision of sections 38, 39, 40, 41, 43, 50, 51 or 52 of this act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary or the assistant secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

Fees  
charged by  
commission

SEC. 57. The commission shall charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of twenty-five dollars: *provided*, that no fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge or retire any bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission: *and provided, further*, that if the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of

act, or of the constitution of this state, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act. State not obligated

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

SEC. 53. All hearings, investigations and proceedings shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. Rules of procedure.

Power to  
issue writs  
of  
summons,  
etc

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

Power to  
administer  
oaths,  
etc.

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

Fees and  
mileage of  
witnesses

Power to  
compel the  
attendance  
of  
witnesses

(b) The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books, accounts and documents, as required by any subpoena issued by the commission or any commissioner. The commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such

the commission's authorization, no fee need be paid. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "railroad commission fund." which fund is hereby created.

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

Right to inspect books, etc

SEC. 59. (a) Each public utility shall have an office in a county of this state in which its property or some portion thereof is located and shall keep in said office all such books, accounts, papers and records as shall be required by the commission to be kept within this state. No books, accounts, papers or records required by the commission to be kept within this state shall be at any time removed from the state except upon such conditions as may be prescribed by the commission.

Office of public utility

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

Production of records kept out of state

SEC. 60. Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission; *provided*, that no complaint shall be entertained

By whom complaint may be made.

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

Hearing  
of  
evidence.

SEC. 61 (a) At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant and the corporation or person complained of, and such corporations or persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the commission shall make and file its order, containing its decision. A copy of such order, certified under the seal of the commission, shall be served upon the corporation or person complained of, or his or its attorney. Said order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. If an order can not, in the judgment of the commission, be complied with within twenty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may on application and for good cause shown,

Decision.

extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission or any commissioner on any formal hearing had, and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced, and of the pleadings, record and proceedings in the cause, shall constitute the record of the commission; *provided*, that on review of an order or decision of the commission, the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the supreme court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

Record of proceedings

Transcript of testimony

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

Right of public utility to complain

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

Increase in rate only after showing

(b) Whenever there shall be filed with the commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental or charge, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; *provided*, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part,

When rates go into effect.

or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or of such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Power to  
rescind,  
etc., orders.

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

Orders  
conclusive.

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

Rehearing.

SEC. 66. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all despatch and shall determine the same within twenty days after final submission, and if such determination is not made within

When cause  
of action  
accrues

said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order or decision made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

Application for rehearing does not excuse

Commission may change order

SEC. 67. Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the supreme court of this state for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day, the cause shall be heard by the supreme court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the supreme court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the supreme court shall enter judgment either affirming or setting aside the order or decision of the commission. The provisions of the Code of Civil Procedure of this state relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act, apply to proceedings instituted in the supreme court under the provisions of this section. No

Application to supreme court for review

Findings on questions of fact.

court of this state (except the supreme court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; *provided*, that the writ of mandamus shall lie from the supreme court to the commission in all proper cases.

Order not stayed.

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

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

Suspending bond

(c) In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the supreme court), payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity or service in excess of the charges fixed by the order or decision of the commission, in case said order or decision is sustained. The supreme court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges or classifications, shall also by order direct the public utility affected to pay into court, from time to time, there to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

Accounts showing excess of charges allowed by order

(d) In case the supreme court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge or classification, the commission, upon the execution and approval of said suspending bond, shall forthwith require the public utility affected, under penalty of the immediate enforcement of the order or decision of the commission (pending the review and notwithstanding the suspending order), to keep such accounts.

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

Additional security.

Final decision

Money not claimed

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

Actions under act preferred to other civil actions

SEC. 70. For the purpose of ascertaining the matters and things specified in section forty-seven of this act, concerning the value of the property of public utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing is had, the commission shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of such hearing, and such notice shall be

Hearing on value of property

sufficient to authorize the commission to inquire into the matters designated in this section and in said section forty-seven of this act, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such findings shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding or hearing before the commission or any court, in which the commission, the state or any officer, department or institution thereof, or any county, city and county, municipality or other body politic and the public utility affected may be interested whether arising under the provisions of this act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions or extensions made by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings; *provided*, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

Filing of  
findings of  
fact.

Hearings  
on value of  
improve-  
ments.

Reparation  
for over-  
charges.

SEC. 71. (a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service,

the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; *provided*, no discrimination will result from such reparation.

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

Suit to  
recover  
over-  
charges

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

Duty of  
commission

Duty of  
attorney  
general or  
district  
attorney

SEC 73. (a) In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the constitution, any law of this state or any order or decision of the commission, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages award damages for the sake of example and by way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

Public  
utilities  
liable for  
loss or  
damages

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

Recovery  
by state not  
affected

SEC 74. (a) This act shall not have the effect to release or waive any right of action by the state, the commission, or any person or corporation for any right, penalty or forfeiture

Act not to  
release  
forfeiture  
under  
other laws

which may have arisen or accrued or may hereafter arise or accrue under any law of this state.

Penalties  
cumulative

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

Commission  
may bring  
suit to  
prevent  
violations  
of  
rulings, etc

SEC 75. Whenever the commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides in the name of the people of the State of California, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the mean time said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from judgments of the superior court in other actions for mandamus or injunction.

Attorney  
may begin  
action.

Duty of  
court

Final  
judgment

Appeal.

Penalty  
for  
offense not  
otherwise  
provided.

SEC 76 (a) Any public utility which violates or fails to comply with any provision of the constitution of this state or of this act, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction,

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

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

Every violation a separate offense.

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

Act of employee deemed act of public utility

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

Punishment for employees

SEC. 78. Every corporation, other than a public utility, which violates any provision of this act, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

Penalty for corporations not otherwise provided for.

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

Punishment for employees of corporations

in a county jail not exceeding one year, or by both such fine and imprisonment.

Actions to  
recover  
penalties.

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

Public  
utilities,  
etc., subject  
to  
punishment  
for  
contempt

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

Pending  
actions  
not  
affected

SEC. 82. (a) This act shall not affect pending actions or proceedings brought by or against the people of the State of California or the commission, or by any other person or corporation, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing, or examination undertaken, commenced, instituted or prosecuted prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings hitherto taken by the commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted, and prosecuted under the provisions of this act and in the manner herein prescribed.

Cause of  
action not  
abated.

(b) No cause of action arising under any law of this state shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such

causes in the same manner, under the same terms and conditions, and with the same effect as though this act had not been passed.

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

Previous orders, etc., continue in force

(d) This act, in so far as it does not add to, take from or alter chapter fourteen of the laws of the extraordinary session of December, 1911, as heretofore amended, shall be construed as a continuation thereof.

Continuation of act of 1911

SEC. 83. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act

SEC. 84. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress.

Not applicable to foreign commerce or between states

SEC. 85. All moneys which are paid into the state treasury by the commission under the provisions of section 57 of this act, and credited to the railroad commission fund, are hereby appropriated, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on said fund from time to time in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same. The commission may, with the consent of the board of control, withdraw from the railroad commission fund a sum not to exceed two thousand dollars, the sum so drawn to be used as a revolving fund where cash advances are necessary. The commission must account for the sum withdrawn for said revolving fund at any time, upon demand of the board of control.

Fund

Revolving fund

SEC. 86. All acts or parts of acts inconsistent with the provisions of this act, including title XV of part IV of division first of the Civil Code, are hereby repealed, but this act shall not be construed to repeal or modify chapters 499 and 500 of the laws of 1911 or chapters 80, 168, 284, 285, 286, 327 and 557 of the laws of 1913.

Inconsistent acts repealed

## CHAPTER 92.

*An act to amend section seven hundred eighty-nine of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relative to the duties of city attorney in cities of the fifth class.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

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

Duties of  
city  
attorney,  
in 5th class  
cities

789. It shall be the duty of the city attorney to appear and represent the city in all actions pending in any court in which the city is a party, or in which it is interested, and he shall also appear and represent the people in all actions prosecuted in any court for the violation of any of the ordinances of said city, or involving the validity of any municipal ordinances or acts of said city, and in all actions or proceedings to which said city may be a party. He shall advise the city authorities and officers in all legal matters pertaining to the business of said city and render such other services in the line of his profession as may be required of him by the board of trustees.

## CHAPTER 93.

*An act to amend sections nine and twenty-two of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended by an act entitled "An act to amend sections 20 and 22 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907," which amendatory act was approved April 26, 1911.*

[Approved April 23, 1915. In effect—see section 3.]

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

SECTION 1. Section nine of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and

regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," as amended by an act entitled "An act to amend sections twenty and twenty-two of an act entitled 'An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor,' approved March 11, 1907," which amendatory act was approved April 26, 1911, is hereby amended so as to read as follows:

Sec. 9. For the purpose of this act there is hereby established a state laboratory for the analysis and examination of foods and drugs, which shall be under the supervision of the state board of health, which laboratory shall be located at such place as the state board of health may select. The state board of health shall appoint a director of said laboratory, a consulting nutrition expert, and an assistant to such director, all of whom shall be skilled pharmaceutical chemists and analysts of foods and drugs. Said director shall perform all duties required by this act and which shall be required by the state board of health. Said consulting nutrition expert shall at all times be ready for consultation with, give advice to, and perform duties in connection with the director of said laboratory, and shall at all times be under the supervision of and perform such duties under this act as are required by the state board of health. As a part of his duties he shall consult and advise with the state board of control concerning standards of purity and other matters relating to foods and drugs purchased by the State of California for any or all of its institutions. The assistant shall be under the supervision of the director and shall perform all duties required of him by the director and by the state board of health.

Laboratory for analysis of foods and drugs

Duties of director, etc.

The director shall receive an annual salary of three thousand dollars, the consulting nutrition expert shall receive an annual salary of one thousand dollars, and the assistant to the director shall receive an annual salary of fifteen hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers.

Salaries

The state board of health, out of the appropriation hereinafter provided, and out of the funds derived from the operation of this act, may employ and fix the compensation of other and additional clerical and professional assistants.

SEC. 2. Section twenty-two of said act is hereby amended to read as follows:

Sec. 22. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not

Dealer may establish guaranty.

General guaranty. aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated within the meaning of this act.

Special guaranty. A special guaranty shall guarantee in the same manner the particular articles listed in an invoice of the same, and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer. If the guaranty be to the effect that such article is not adulterated, mislabeled or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the article concerned under this act is higher than the standard for a like article under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act or the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

When wholesalers are without state.

Provisions in effect when.

SEC 3. The provisions of section 2 of this act shall be in force and effect from and after May 1st, 1916; *provided*, that as to products packed and labeled prior to May 1, 1916 in accordance with said national pure food act, and with the regulations thereunder in force prior to May 5, 1914 the provisions of section 2 of this act shall be in force and effect from and after November 1, 1916

## CHAPTER 94.

*An act to amend section twenty-one of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907.*

[Approved April 23, 1915. In effect--see section 2.]

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

SECTION 1. Section twenty-one of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof,"

approved March 11, 1907, is hereby amended so as to read as follows:

Sec. 21. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act. Such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular articles listed in an invoice of the same, and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer. If the guaranty be to the effect that such article is not adulterated or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for all the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purpose of this act in any case where at any time the standard for the article concerned under this act is higher than the standard for a like article under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated or misbranded, within the meaning of this act or the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

Dealer may establish guaranty regarding mislabeled drugs.

General guaranty

Special guaranty

When wholesalers are without state.

SEC. 2. This act shall be in force and effect from and after May 1st, 1916, *provided*, that as to products packed and labeled prior to May 1st, 1916, in accordance with said national pure food act and with the regulations thereunder in force prior to May 5th, 1914, this act shall be in force and effect from and after November 1st, 1916.

Provisions in effect when

## CHAPTER 95.

*An act to amend sections two thousand one hundred fifty-three a and two thousand one hundred sixty-one of the Political Code, relating to the government and management of state hospitals for the insane and other incompetent persons.*

[Approved April 23, 1915 In effect August 8, 1915]

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

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

2153a. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers:

Appointees  
of medical  
superin-  
tendent of  
state  
hospital

1. A supervisor, matron, and business manager, and all employees, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

Qualifica-  
tions of  
assistant  
physicians

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges well educated in their profession, who have received a certificate from the state board of medical examiners, and of good moral character;

3. Where there are first and second assistant physicians the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

Women  
assistants

4. From and after the first day of July, A. D. nineteen hundred and five whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or the California Home for the Care and Training of the Feeble-minded Children at Eldridge, Sonoma county, the appointment of such additional assistant shall be so made that at least one physician in each of said state hospitals and said home shall be a woman;

Examina-  
tions for  
assistants.

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Qualifica-  
tions for  
homeopathic  
hospitals.

6. At the homeopathic state hospital all assistant physicians and internes besides possessing the qualifications herein prescribed, must be graduates of an incorporated homeopathic medical college;

Duties of  
superin-  
tendent:  
Orders

7. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

Maintain  
discipline

8. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

9. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or forms provided for that purpose; Keep accounts

10. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission; Report accounts to managers

11. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person; Record of patients

12. To prepare and keep the pay rolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf, furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge; Pay rolls, accounts of support of patients

13. Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which must be approved by the board of managers, unless a different time is allowed by the commission. He must submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimate for supplies, either as to quality or quantity thereof, and must certify that it has carefully examined the same, and that the articles contained in such estimate as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission must, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise for four successive weeks, for contracts for furnishing such supplies: said advertising being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All Annual estimate for supplies, etc.

contracts must be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond, amounting to one-fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserves the right to reject any and all bids submitted to them; Commission may revise estimate.

14. Prepare monthly triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission Contracts to lowest bidder.

Monthly estimate

may revise these estimates for supplies, either as to quality, quantity, or price thereof, and must certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital: whereupon the board of managers must direct its superintendent to secure the supplies according to the approved estimates.

SEC. 2 Section two thousand one hundred sixty-one of the Political Code is hereby amended to read as follows:

Duties of  
business  
manager

2161. The business manager, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, and, under the direction of the superintendent, shall make all purchases for the hospital according to the provisions of subdivisions thirteen and fourteen of section twenty-one hundred and fifty-three and section twenty-one hundred and fifty-eight, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings. The business manager at all times shall have control of the farm, live stock, grounds, and all outside departments. He shall receive all supplies and see that they are the articles ordered and of proper weight and quality, reject those that are below the standard adopted. He shall exercise general supervision over the kitchen and all food supplies and see that they are properly cooked and served. He shall receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

## CHAPTER 96.

*An act to amend section one thousand five hundred eighty-one of the Political Code of the State of California, relating to the opening of school in new school districts.*

[Approved April 23, 1915 In effect August 8, 1915.]

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

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

Date of  
opening  
school  
in new  
district

1581. After the making of an order by the board of supervisors creating a new district, the school must be opened therein not later than the second Monday of September following the date on which said order was made; otherwise said order shall be null and void; *provided*, that when any newly created district becomes a part of a union school district prior to the second Monday of September following the date on which said order was made, said district shall be exempt from the provisions of this section.

CHAPTER 97.

*An act to amend section one thousand seven hundred seventy-nine of the Political Code, relating to the establishment of post-graduate elementary school courses.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

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

1779. The county board of education must, when requested so to do by the board of trustees of any common school district, not included in any city, district, union or joint union high school district, and when such request has been approved by the county superintendent of schools, prescribe for such common school district, a post-graduate course of study requiring one or two years for the completion thereof as may be desired by such board of trustees. Such post-graduate course of study shall be open to students who have graduated from the elementary school, or who may be admitted upon examination by the principal of the school offering the post-graduate course; *provided*, that a common school district located within a union, or joint union or county high school district may, with the approval of the principal of the high school of the district involved, establish and maintain a post-graduate course of study in the manner provided above; *and provided*, *further*, that no student who has not graduated from the elementary schools shall be admitted, except upon approval of the county superintendent of schools.

County board of education to prescribe post-graduate courses

Said post-graduate course shall consist of business English, commercial arithmetic, commercial and physical geography, bookkeeping and United States history and civics. The county board of education may also provide work in elementary agriculture, manual arts, stenography and typewriting. The county board of education may adopt, for a period of not less than four years, such textbooks as may be necessary to carry out said post-graduate course; *provided*, that the state series of textbooks shall be used wherever adapted to the teaching of any subject; *and provided*, *further*, that all textbooks, except books of the state series, shall be purchased by the school district out of the library, county or special fund and furnished free to the pupils.

Consist of what

State textbooks to be used

The average daily attendance of students enrolled in such post-graduate course must be counted as a part of the average daily attendance of the elementary schools and used by the county superintendent in making the estimate of the number of teachers to which a school district is entitled under the provisions of sections 1532 and 1858 of the Political Code and shall be used in making apportionments of state and county

Attendance counted with elementary school

school moneys on the basis of average daily attendance under said sections.

Diploma  
for post-  
graduate  
work

Whenever a student has successfully completed a post-graduate elementary school course embracing two years, the county board of education shall issue to such student a post-graduate elementary school diploma. County boards of education may determine whether such student is entitled to the post-graduate elementary school diploma, by written examination or otherwise.

Statement  
of work  
completed  
on leaving  
course

Whenever a student, enrolled in a post-graduate elementary school course, shall cease to attend school, the principal of such school shall, upon request, give to such pupil a written statement showing the subjects studied, the time devoted to each subject and the standing attained in each subject.

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## CHAPTER 98.

*An act to repeal an act entitled "An act to increase the number of judges of the superior court of the county of Shasta, State of California, and for the appointment of such additional judge," approved March 20, 1905.*

[Approved April 23, 1915. In effect—see section 2.]

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

SECTION 1. An act entitled "An act to increase the number of judges of the superior court of the county of Shasta, State of California, and for the appointment of such additional judge," approved March 20, 1905, is hereby repealed.

Time of  
appointment  
of  
additional  
judge

SEC. 2. This act shall take effect upon the occurrence of the first vacancy in the office of superior judge in said county, by expiration of term or otherwise.

CHAPTER 99.

*An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on state roads and highways; providing for the issuance of permits by the state department of engineering relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on state roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

SECTION 1. No opening shall be made in any state road or highway nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or renewed except in accordance with a permit from the state department of engineering or its duly authorized officers who shall exercise complete and permanent control over such roads or highways. No state road or highway shall be dug up for laying or placing pipes, conduits, sewers, wires, railways or other objects, and no tree or shrub in or on any state road or highway shall be planted, trimmed or removed, and no obstruction placed thereon, without a written permit as hereinbefore provided, and then only in accordance with the regulations of such department of engineering or its duly authorized officers or employees; and the work shall be done under the supervision and to the satisfaction of the department of engineering or its appropriate officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons to whom the permit is given or by whom the work is done; but a city or town may, within its corporate limits, dig up a state road or highway without such approval or permit in case of immediate necessity; but in such cases it shall be forthwith replaced in as good condition as before at the expense of the city or town.

Permits from department of engineering for openings, etc., on highways.

Work under supervision of department of engineering

The department of engineering, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this act, require the applicant to file a satisfactory bond to the people of the State of California in such an amount as may be deemed sufficient by the department of engineering or its duly authorized officers, conditioned for the proper compliance with the requirements of this act by the person granted such permit.

Bond of applicant

Any person convicted of making any opening in a state road or highway or placing any structure thereon, or changing

Work without permit, misdemeanor

or renewing any structure thereon without obtaining a permit as herein provided, or not in compliance with the terms of such a permit, or otherwise violating the provisions of this act, shall be guilty of a misdemeanor.

Power of  
railroad  
commission  
not  
limited.

SEC. 2. This act is not intended nor is it to be construed as limiting the powers and duties vested by law in the railroad commission of the State of California, and in the event of any conflict of jurisdiction, that of such railroad commission shall prevail.

## CHAPTER 100.

*An act to amend the Penal Code by adding a new section thereto to be numbered section five hundred eighty-eight c, concerning the injury, defacement or removal of monuments or stakes placed, erected or used by the state department of engineering, its officers or employees on or along any state road or highway or in connection with state road or highway work, and prescribing penalty for the violation of such section.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered section five hundred eighty-eight c, to read as follows:

Removing  
stakes, etc.  
on state  
highway,  
misdemeanor.

588c. Any person who wilfully injures, defaces, breaks down or removes any monument or stake placed, erected or used by the state department of engineering, its officers or employees for the purpose of designating any point in the boundary or survey of any state road or highway on or along any such road or highway, or as a part of such road or highway work, shall be guilty of a misdemeanor.

## CHAPTER 101.

*An act to amend section five hundred eighty-eight of the Penal Code, relating to malicious injuries to any state or other public highway or bridge or any private way laid out by authority of law, or bridge upon any such highway or private way.*

[Approved April 23, 1915. In effect August 8, 1915.]

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

SECTION 1. Section five hundred eighty-eight of the Penal Code is hereby amended to read as follows:

Digging up,  
etc. state  
highway.

588 Every person who maliciously digs up, removes, displaces, breaks down or otherwise injures or destroys any state

or other public highway or bridge, or any private way, laid out by authority of law, or bridge upon any such highway or private way, where the amount of damage done by the violation of any of the provisions of this act is five hundred dollars or more, is punishable by imprisonment in the state prison not exceeding five years or in the county jail not exceeding one year; *provided, however*, if such damage amounts to less than five hundred dollars, every person violating any of the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 102.

*An act to amend section sixteen hundred fifteen of the Political Code, relating to schools.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

SECTION 1. Section 1615 of the Political Code is hereby amended to read as follows:

1615. *First*—When a new district is organized, such of the trustees of the old district as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected. Trustees  
of new  
school  
districts

*Second*—When joint districts are formed, three trustees shall be elected at the April election next succeeding the formation thereof, to hold office for one, two, and three years respectively from the first day of May next succeeding their election. Trustees  
of joint  
districts

The terms of the trustees in the districts uniting to form the joint district shall expire on the formation of such district, and the superintendent of the county, in which lies the district having the greater average daily attendance, shall appoint two trustees, and the superintendent of the county in which the other district lies shall appoint one trustee, to hold office until the first day of May next succeeding the formation of the joint district.

## CHAPTER 103.

*An act to amend sections two thousand one hundred fifty-two, two thousand one hundred fifty-four and two thousand one hundred fifty-six of the Political Code and to add a new section to said Political Code, to be known and designated as section two thousand one hundred fifty-three b, all relating to the government and management of state hospitals for the insane, feeble-minded and other incompetent persons, and to the care, training and education of insane, feeble-minded and other incompetent persons.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

Appoint-  
ments by  
board of  
managers  
of state  
hospitals

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

2152. Each board of managers must appoint for the hospital under its control, as often as vacancies may occur therein:

Medical  
superin-  
tendent

1. A medical superintendent, who must be a graduate of an incorporated medical college, and a well-educated physician, of good moral character. The medical superintendent of each of the hospitals for the care and treatment of the insane must have had not less than three years' experience in the care and treatment of the insane; and the medical superintendent of the Sonoma State Home for the care and training of the feeble-minded must have had not less than three years' experience in the care and treatment of the feeble-minded. The medical superintendent of the homeopathic hospital must be a homeopathic physician, and he must, in other respects, possess the same qualifications as other medical superintendents.

Treasurer

2. A treasurer, who is also ex officio secretary of the board, and who must keep all the books, records, and papers pertaining to the business of his office, and maintain such office wherever the board of managers directs. He must give an undertaking to the people of the state, in such sum as the board requires for the faithful performance of this trust, with sureties to be approved by it.

Removal

Any medical superintendent or treasurer may be removed by a majority vote of the board of managers for cause; such cause must be stated in writing and served upon the official charged. He must thereafter be given an opportunity to be heard. If removed upon such hearing, his removal is final.

Examination  
for  
medical  
superin-  
tendent.

3. The appointment of any person as medical superintendent shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery and especially in diseases affecting the mind and nervous system. The questions for such examination shall be prepared by the general superintendent and such medical superintendents as may be designated by the commission subject to the approval of

the commission. Such examination shall be conducted by the general superintendent or by such medical superintendent of the hospitals as may be named by the commission for that purpose. An examination shall not be required of any medical superintendent or assistant physicians now in office in any state hospital.

SEC. 2. A new section is hereby added to the Political Code to be known and designated as section 2153*b* and to read as follows:

2153*b*. The medical superintendent of the Sonoma State Home for the care and training of the feeble-minded must appoint, by and with the consent of the board of managers of said home, in addition to the officers provided for in section 2153*a* of this code, an educational director, who must be a competent clinical psychologist who has had not less than three years' experience in the training of the feeble-minded. Such educational director shall conduct a mental and psychological examination of each patient or inmate of the said home, shall classify and group the said inmates according to their mental capacity, and shall have full charge and control, under the direction of the medical superintendent, of the educational work and policy of the said home for the feeble-minded, including the industrial and recreational training and activities of the inmates or patients.

Educational director for home for feeble-minded.

SEC. 3. Section 2154 of the Political Code is hereby amended to read as follows:

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

Salaries of state hospital employees

SEC. 4. Section 2156 of the Political Code is hereby amended to read as follows:

2156. The medical superintendent, all assistant physicians, business managers, supervisors, matrons, and the educational director of the Sonoma State Home must maintain their residence in the hospital or on the premises, and are designated as the resident officers of the hospital.

Residence on premises

## CHAPTER 104.

*An act to add a new section to the Political Code of the State of California, to be numbered one thousand five hundred and nineteen a (1519a), relating to the furnishing of free textbooks to state institutions.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand five hundred and nineteen a (1519a) to read as follows:

Free  
textbooks  
for state  
institutions.

1519a. The president or principal of any state institution, in which instruction is given in the elementary branches, may order such state textbooks, as may be used to advantage, for use in said institution, on blanks supplied by the superintendent of public instruction; *provided*, such orders shall be subject to revision by said superintendent of public instruction. Such books shall be delivered free of cost to such institution on the order of the superintendent of public instruction, in the usual method of shipment.

## CHAPTER 105.

*An act to amend an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, by amending sections two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, seventeen and eighteen and adding a new section thereto to be numbered twelve and one-half relating to the practice of chiroprody*

[Approved April 24, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two of "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board

of medical examiners. to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, is hereby amended to read as follows :

Sec. 2. The board shall be organized on or before the first Tuesday of September, 1913, by electing from its number a president, vice-president, and a secretary who shall also be the treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the city of Sacramento and at least two additional meetings annually, one of which shall be held in the city of Los Angeles and the other in the city of San Francisco, with power of adjournment from time to time until its business is concluded; *provided, however,* that examinations of applications for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the city of San Francisco, one published in the city of Sacramento, and one published in the city of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board or the chairman of a committee, may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through its secretary applications for certificates provided to be issued under this act and shall, on or before the first day of January of each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements. The board shall, on or before the first day of January of each year, compile and thereafter publish and sell, a complete directory giving the addresses of all persons within the State of California who hold unrevoked licenses to practice under any medical practice act of the State of California, which license shall in any manner authorize the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions. The board is hereby authorized to require said persons to furnish such information as it may deem necessary to enable it to compile the directory. The directory shall contain in addition to the names and addresses of said persons, the names and symbols indicating the title, name or names, school or schools, which

Board of medical examiners organized

Meetings

Notice of meetings

Board to receive applications for certificates

Directory of practitioners

Contents

such person has attended and from which graduated, the date of issuance of the license, the present residence of said person and a statement of the form of certificate held. The directory shall be prima facie evidence of the right of the person or persons named therein to practice. It shall be the duty of every person holding a license to practice under any medical act of this state, or who may hereafter be so licensed to practice, to report immediately each and every change of residence, giving both the old and the new address.

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

Location  
of office.

SEC. 3. The office of the board shall be in the city of Sacramento. Sub-offices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to such sub-offices. Legal proceedings against the board may be instituted in any one of said three cities.

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

Rules.

SEC. 4. The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rules, to pass any measure, or to authorize the issuance of any certificate as in this act provided. Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board shall have authority to take evidence in any matter cognizable by it. The board may in its discretion appoint or designate any qualified and competent person or persons to give the whole or any portion of any examination as provided in this act; such person or persons need not be a member of the board of medical examiners and shall be designated as a commissioner on examination and shall be subject to the same rules and regulations and entitled to the same fee and remuneration as if a member of the board. The board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, together with the action of the board upon each application.

Persons  
who  
may be  
designated  
as  
examiners

Official  
record

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

Prosecution  
of violators.

SEC. 5. The board is authorized to prosecute all persons guilty of violation of the provisions of this act. It shall have the power to employ legal counsel for such purpose, and may also employ inspectors, special agents and investigators and such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary. It shall also fix the salary of the secretary, not to exceed the sum of three thousand dollars per annum, and the sum to be paid to other

Salary of  
secretary

members of the board, not to exceed ten dollars per diem each, for each and every day of actual service in the discharge of official duties; such service to include the attendance at special meetings of the board and committee meetings of the board and while actively engaged in the review of examination papers, based upon one per diem for each thirty papers or fraction thereof. Each member of the board shall make an affidavit before some duly authorized person in the State of California that such service has been actually performed; and the board may in its discretion, add to said sum necessary traveling expenses.

Compensation for board

Affidavit

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

Sec. 8. Three forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first, a certificate authorizing the holder thereof to use drugs or what are known as medicinal preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medicinal preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner certificate"; third, a certificate authorizing the holder thereof to practice chiropody. For the purpose of this act chiropody is defined to be the surgical treatment of abnormal nails and superficial excrescences occurring on the feet, such as corns, callosities, and the treatment of bunions; but it shall not confer the right to operate upon the feet for congenital or acquired deformities, or for conditions requiring the use of anesthetics other than local, or incisions involving structures below the level of the true skin. A "reciprocity certificate" shall also be issued under the provisions hereinafter specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

Forms of certificates

"Physician and surgeon certificate"

"Drugless practitioner certificate"  
Chiropody certificate

"Reciprocity certificate"

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

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma

Applicants must file testimonials, diplomas, etc

or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; *provided*, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously, or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; the course in chiropody is to consist of not less than thirty-nine weeks consisting of not less than six hundred sixty-four hours; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

In lieu of  
diploma  
before  
July 1, 1918.

Application  
on blank  
furnished  
by board.

Preliminary  
education

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California or Stanford University or the University of Southern California, or the possession of documentary evidence

of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. After January 1, 1919, every applicant for a "physician and surgeon certificate" shall in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the study of medicine he has completed a course which includes at least one year of work, of college grade, in each of the subjects of physics, chemistry and biology. The preliminary or basic educational requirements for a chiropodist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of high school work or its equivalent.

In lieu of high school diploma

Work in physics, chemistry, and biology.

Preliminary education for chiropodist

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

Sec 10 Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

Course of instruction

FOR A "PHYSICIAN AND SURGEON CERTIFICATE."

Physicians and surgeons

Group 1. 775 hours.	
Anatomy -----	550 hours
Embryology -----	75 hours
Histology -----	150 hours
Group 2. 620 hours.	
Elementary chemistry and toxicology -----	140 hours
Advanced chemistry -----	180 hours
Physiology -----	300 hours
Group 3 450 hours	
Elementary bacteriology -----	60 hours
Advanced bacteriology -----	80 hours
Hygiene -----	60 hours
Pathology -----	250 hours
Group 4. 240 hours.	
Materia medica -----	80 hours
Pharmacology -----	105 hours
Therapeutics -----	55 hours

Group 5	940 hours.	
Dermatology and syphilis	-----	45 hours
General medicine and general diagnosis	-----	600 hours
Genito-urinary diseases	-----	45 hours
Nervous and mental diseases	-----	110 hours
Pediatrics	-----	140 hours
Group 6.	680 hours	
Laryngology, otology, rhinology	-----	60 hours
Ophthalmology	-----	60 hours
Surgery and surgical diagnosis	-----	500 hours
Orthopedic surgery	-----	30 hours
Physical therapy, including electrotherapy, X-ray, radiography, hydrotherapy	-----	30 hours
Group 7.	265 hours.	
Gynecology	-----	100 hours
Obstetrics	-----	165 hours
Miscellaneous.	30 hours.	
Ethics, jurisprudence, etc	-----	30 hours
Total	-----	4,000 hours

FOR A "DRUGLESS PRACTITIONER CERTIFICATE."

Drugless  
practitioners.

Group 1.	600 hours.	
Anatomy	-----	485 hours
Histology	-----	115 hours
Group 2	270 hours.	
Elementary chemistry and toxicology	-----	70 hours
Physiology	-----	200 hours
Group 3.	235 hours	
Elementary bacteriology	-----	40 hours
Hygiene	-----	45 hours
Pathology	-----	150 hours
Group 4.	370 hours	
Diagnosis	-----	370 hours
Group 5	260 hours	
Manipulative and mechanical therapy	-----	260 hours
Group 6.	265 hours.	
Gynecology	-----	100 hours
Obstetrics	-----	165 hours
Total	-----	2,000 hours

Chiropractists

FOR A CERTIFICATE TO PRACTICE CHIROPODY.

Group 1.	117 hours.	
Anatomy	-----	78 hours
Histology	-----	39 hours
Group 2.	156 hours.	
Chemistry and toxicology	-----	78 hours
Physiology	-----	78 hours

Group 3. 103 hours.	
Bacteriology -----	39 hours
Hygiene -----	25 hours
Pathology -----	39 hours
Group 4. 44 hours	
Diagnosis:	
Syphilis -----	20 hours
Dermatology -----	24 hours
Group 5. 215 hours.	
Manipulative and mechanical therapy:	
Didactic and clinical chiropody -----	136 hours
Orthopedics -----	20 hours
Surgery -----	59 hours
Group 6. 29 hours.	
Materia medica and therapeutics ----	29 hours
<hr/>	
Total -----	664 hours

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required: *provided*, that the hours herein required in any one subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

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

Sec. 11 In addition to above requirements, all applicants for "physician and surgeon certificate" must pass an examination to be given by the board in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. Bacteriology and pathology.
4. Chemistry and toxicology.
5. Obstetrics and gynecology.
6. Materia medica and therapeutics, pharmacology, including prescription writing.
7. General medicine, including clinical microscopy.
8. Surgery.
9. Hygiene and sanitation.

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Pathology and elementary bacteriology.
5. Obstetrics and gynecology.
6. Toxicology and elementary chemistry.
7. Hygiene and sanitation.

*Provided*, that a person who holds a "drugless practitioner certificate," issued upon satisfactory proof of the course of instruction and minimum requirements demanded in section 10

Hours  
required

Additional  
requirements  
for  
physicians  
and  
surgeons

For drugless  
practitioners

Exceptions

hereof and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being re-examined in "drugless practitioner" subjects.

The subjects for such examination shall be:

1. Advanced chemistry.
2. Advanced bacteriology.
3. Surgery.
4. Materia medica and therapeutics, pharmacology, including prescription writing.
5. General medicine, including clinical microscopy.

Examination  
for  
chiropractors

All applicants for a certificate to practice chiroprody must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology, chemistry and hygiene.
3. Pathology and bacteriology.
4. Dermatology and syphilis.
5. Orthopedics and surgery.
6. Chiroprody and therapeutics.

Character  
of  
examinations

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero

Average  
required.

to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; *provided*, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; *provided, further*, that any applicant for "physician and surgeon certificate" obtaining seventy-five per cent each in seven subjects and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects and an applicant for a certificate to practice chiroprody obtaining over seventy-five per cent in seven subjects, shall be subsequently

Re-examination

re-examined in those subjects only in which he failed, and without additional fee. Any person who at any time prior to January 1, 1916, shall pay to the secretary of said board the fee of twenty-five dollars and submits satisfactory proof of good moral character and of a resident one-year course of not

Admission  
to drugless  
practitioner  
examination

less than one thousand hours in a legally chartered school approved by the board and satisfactory proof of three years of actual practice of a drugless system of the healing art such three years of actual practice to have been in the State of California, shall be admitted to the drugless practitioner examination; *provided, however*, that in the event of a license being granted to such applicant he will not be eligible thereafter for the physician's and surgeon's certificate without a full and

complete compliance with the terms and provisions of sections 9 and 10 hereof. Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submits to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state; *provided, however*, that such licensee shall not be permitted to take the physician's and surgeon's examination without a full and complete compliance with the terms of sections 9 and 10 hereof.

Admission to practice without examination.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

Examination papers kept on file.

Secretary not to be an examiner

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Form of certificates.

Sec 9. Section twelve of the said act is hereby amended to read as follows:

Sec 12. Any medical director, medical inspector, passed assistant surgeon, or assistant surgeon of the United States navy, honorably discharged or temporarily detached, or placed upon the retired list without being discharged or on active duty, from the medical department of the United States navy, or who by resignation has honorably severed all connection with the service, and any surgeon of the United States army, honorably discharged, or temporarily detached or placed upon the retired list without being discharged or on active duty from the medical department of the United States army, or who by resignation has honorably severed all connection with the service, is hereby authorized to practice medicine and surgery within the State of California by filing a sworn copy of his discharge, if he be discharged, or of the order temporarily detaching him or the order placing him upon the retired list, with the state board of medical examiners or by proving to the satisfaction of the board that by resignation he has honorably

Army and navy surgeons authorized to practice

left the service of either the army or navy, and paying said board a fee of fifty dollars; *provided, however,* that this provision shall not apply to any contract surgeon in the United States army or navy, and shall not apply to any officer of medical reserve corps of either said army or navy.

Fee.

SEC. 10. Said act is hereby amended by adding a new section thereto to be numbered section twelve and one-half, to read as follows:

Chiropody  
certificate  
for persons  
already  
practicing.

Sec. 12 $\frac{1}{2}$ . Any person who at any time within ninety days from and after the passing of this act shall pay to said board, the registration fee of fifty dollars, as herein provided, and furnish to said board satisfactory proof of the fact that such applicant has been actually engaged in the practice of chiropody in the State of California for the period of one year prior to July 1, 1915, and that such applicant possesses a good moral character and competency in the practice of chiropody, shall be entitled to practice chiropody, and said board must issue to him a chiropody certificate.

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

Certificates  
to  
applicants  
licensed  
to practice  
since  
August 1,  
1901.

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the State of California, upon payment of a registration fee of fifty dollars, upon the following terms and conditions and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice a system or mode of treating the sick or afflicted, as provided in this act or any preceding practice act of the State of California, issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode of treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, or if such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant prior to the first day of August, 1901, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted (medicine and surgery) shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate; *and, provided further,* that said applicant shall furnish from the board

which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California showing what the requirements were of the college and of the board, issuing such certificate at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without an examination. An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year. for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state; *provided, however,* that an application based upon a certificate to practice any system or mode of treating the sick or afflicted issued in the District of Columbia or in any state or territory prior to March fourth, 1907, if refused or denied by reason of the insufficiency of the standard of such state or territory then such applicant may have the privilege of either a written or oral examination before the board at the option of the applicant. Any person may file an application with the said board to practice medicine and surgery within the State of California, in the event that such applicant has been duly licensed prior to August 1, 1901, and has practiced medicine and surgery in another state or territory, or the District of Columbia, for a period of time commencing prior to the first day of August, 1901. Such application shall be verified and shall contain a statement showing: (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study, and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice medicine and surgery may have been issued to him, together with the date of such certificate and a description of the same, and, if required by the board, the certificates

Require-  
ments  
must be as  
high as for  
California  
certificate.

Contracts  
of  
reciprocity.

Applicant  
with  
certificate  
prior to  
August 1,  
1901.

themselves, or satisfactory proof of their issuance: (d) a statement of all places in which said applicant has practiced medicine and surgery; (e) such other general information as to his past practice, as may be required by the said board. The said board shall make such independent investigation of the character, ability and standing of the applicant as it may deem proper and necessary, and if it shall find after such investigation that said applicant has been a practicing physician and surgeon in any other state or territory or the District of Columbia, prior to August 1, 1901, and prior to said last named date has been duly licensed so to practice, and that his reputation as such physician and surgeon is good in the community in which he has so practiced medicine and surgery, and has been a resident of his last state of residence for a period of one year prior to date of filing his application in the State of California, they shall afford him an examination on a day suiting the convenience of the board not more than six months subsequent to the presentation of said application. Said examination shall be oral, practical, and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of the said medical examiners conducting said examination, that such applicant is so qualified to practice medicine and surgery within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physician and surgeon certificate." Each applicant on making such application shall pay to the secretary of the board, a fee of fifty dollars, which shall be paid to the treasurer of the board, of which sum forty dollars shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate."

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

Refusal of  
certificate  
for unpro-  
fessional  
conduct.

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas

generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of said board either to suspend the right of the holder of said certificate to practice for a period not exceeding one year, or in its discretion to revoke his certificate. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may

Refusal  
to obey  
subpoena

Charges  
deemed  
sufficient

Revocation  
of  
certificate  
for unpro-  
fessional  
conduct

Facts  
entered on  
register.

be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the ----- day of -----, suspended for -----," or, "This certificate was revoked on the ----- day of -----," as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

Unprofessional conduct defined.

*First*—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

*Second*—The wilfully betraying of a professional secret.

*Third*—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

*Fourth*—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

*Fifth*—Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

*Sixth*—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, vita eucaine, uevacaine or chloral hydrate or any of the salts derivatives or compounds of the foregoing substances or the prescribing, selling, furnishing, giving away or offering to prescribe, sell, furnish, or give away such substances to an habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.

*Seventh*—The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

*Eighth*—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice, or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

*Ninth*—The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

*Tenth*—Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating.

Unprofessional conduct

*Eleventh*—The use by the holder of a drugless practitioner certificate of any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

*Twelfth*—The employment of “cappers” or “steerers” in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Sec. 13. Section seventeen of the said act is hereby amended to read as follows:

Sec 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word “doctor,” the letters or prefix “Dr.” the letters “M. D.,” or any other term or letters indicating or implying that he is a doctor under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than six hundred dollars or by imprisonment for a term of not less than sixty days nor more than one hundred and eighty days, or by both such fine and imprisonment. The fine or forfeiture shall be paid, when collected, to the state treasurer, and a report thereof shall be made to the state controller. It shall be the duty of the court to order the proper official of the court to forward such fines or forfeitures direct to the state treasurer to be deposited to the credit of the board of medical examiners contingent fund without placing such fine or forfeiture in any special or contingent or general fund of any county, city and county, city or township.

Practice without license

Penalty

Disposition of fines

Sec. 14 Section eighteen of the said act is hereby amended to read as follows:

Sec. 18 Any person, or any member of any firm, or official of any company, association, organization or corporation shall

Penalty for selling certificate.

be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail for not less than ten days nor more than one year, or by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment, who, individually or in his official capacity, shall himself sell or barter, or offer to sell or barter, any certificate authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same either directly or indirectly with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit, or any other evidence to be used in obtaining a diploma or certificate required hereunder, or who shall use or attempt to use fraudulently any certificate, transcript, affidavit, or diploma, whether the same be genuine or false, or who shall practice or attempt to practice any system or treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall wilfully make any false statement on any application for examination, license or registration under this act, or who shall engage in the treatment of the sick, or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been practicing medicine or surgery, or any other system of treatment of the sick or afflicted. It shall be the duty of any person or persons upon whom the board of medical examiners may make a demand for the name or names and address or addresses of a person or persons associated or employed by him or them to make affidavit that there are no such person or persons associated or employed by him or them, if such be the fact; *provided*, that such affidavit shall not be used as evidence against said person or employee in any proceedings under this section.

Altering of certificate

Practice under false name.

Record of associates of practitioner

CHAPTER 106.

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

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

542a. The attachment whether heretofore levied or hereafter to be levied shall be a lien upon all real property attached for a period of three years after the date of levy unless sooner released or discharged as provided in this chapter, by dismissal of the action or by entry and docketing of judgment in the action. At the expiration of three years the lien shall cease and any proceeding or proceedings against the property under the attachment shall be barred; *provided*, that upon motion of a party to the action, made not less than five nor more than sixty days before the expiration of said period of three years, the court in which the action is pending may extend the time of said lien for a period not exceeding two years from the date on which the original lien would expire, and the lien shall be extended for the period specified in the order upon the filing, before the expiration of the existing lien, of a certified copy of the order with the recorder of the county in which the real property attached is situated. The lien may be extended from time to time in the manner herein prescribed.

Attachment  
lien on  
real  
property

Ceases  
end of  
three  
years

Lien  
may be  
extended

CHAPTER 107.

*An Act to amend sections six hundred fifty-eight, six hundred fifty-nine and six hundred sixty, and to repeal sections six hundred sixty-one and six hundred sixty-two of the Code of Civil Procedure, all relating to new trials.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

658. When the application is made for a cause mentioned in the first, second, third and fourth subdivisions of the last section, it must be made upon affidavits; otherwise it must be made on the minutes of the court.

Manner  
of making  
application  
for new  
trial

SEC 2 Section six hundred fifty-nine of the Code of Civil Procedure is hereby amended to read as follows:

659 The party intending to move for a new trial must, within ten days after receiving notice of the entry of the

Notice of  
intention.

judgment, or within ten days after verdict, if the trial was by jury, file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both. The time above specified shall not be extended by order or stipulation. If the motion is to be made upon affidavits, the moving party must, within ten days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow (but not to exceed twenty days' additional time) file such affidavits with the clerk and serve a copy thereof upon the adverse party, who shall have ten days thereafter, or such further time as the court may allow (not exceeding twenty days' additional time) to file counter affidavits and serve a copy thereof upon the moving party.

Filing of  
affidavits

SEC. 3. Section six hundred sixty of the Code of Civil Procedure is hereby amended to read as follows:

Time of  
hearing  
motion

660. The motion for a new trial must be heard at the earliest practicable time after the filing of affidavits and counter affidavits, in case the motion is made on affidavits, in other cases after the filing of the notice. On such hearing reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report, or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge: when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must, upon request of the court, or either party, attend the hearing of the motion, and shall read his notes, or such parts thereof as the court, or either party, may require. The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment. The power of the court to pass on motion for new trial shall expire within three months after the verdict of the jury or service on the moving party of notice of the decision of the court. If such motion is not determined within said three months, the effect shall be a denial of the motion without further order of the court.

New trial  
hearing has  
precedence.

Motion not  
determined  
in three  
months  
deemed  
denial

Repealed.

SEC. 4. Section six hundred sixty-one of the Code of Civil Procedure is hereby repealed.

Repealed.

SEC. 5. Section six hundred sixty-two of the Code of Civil Procedure is hereby repealed

CHAPTER 108.

*An act to amend section six hundred sixty-three a of the Code of Civil Procedure of the State of California, relating to the setting aside of a judgment of the superior court and the rendition of a new judgment without a new trial.*

[Approved April 24, 1915 In effect August 8, 1915.]

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

SECTION 1. Section six hundred sixty-three a of the Code of Civil Procedure is hereby amended to read as follows:

663a. The party intending to make the motion mentioned in the last section must, within ten days after notice of the entry of judgment, serve upon the adverse party and file with the clerk of the court a notice of his intention, designating the grounds upon which, and the time at which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts, or in which the judgment or decree is not consistent with the special verdict. The time designated for the making of the motion must not be more than sixty days from the time of the service of the notice. An order of the court granting such motion may be reviewed on appeal in the same manner as a special order made after final judgment and a bill of exceptions to be used on such appeal may be prepared as provided in section six hundred and forty-nine.

Notice of intention to move for new trial.

Time for making motion

CHAPTER 109.

*An act to amend section one thousand fifty-four of the Code of Civil Procedure, relating to the extension of time in which an act is to be done*

[Approved April 24, 1915 In effect August 8, 1915.]

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

SECTION 1. Section one thousand and fifty-four of the Code of Civil Procedure is hereby amended to read as follows.

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this code, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge of the superior court in and for the county in which the action is pending, or by the judge who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the judge to whom said

Extension of time within which an act is to be done

Not to exceed thirty days

Exception. application is made, that the attorney of record for the party applying for said extension is actually engaged in attendance upon a session of the legislature of this state, as a member thereof; in which case it shall be the duty of said judge to extend said time until said session of the legislature adjourns, and thirty days thereafter.

## CHAPTER 110.

*An act to amend section nine hundred forty-one b of the Code of Civil Procedure of the State of California, relating to a new or alternative method by which appeals may be taken from judgments, orders or decrees of the superior court of the State of California to the supreme court or district courts of appeal thereof.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

SECTION 1 Section nine hundred and forty-one *b* of the Code of Civil Procedure is hereby amended to read as follows:

Notice of  
appeal  
from  
superior  
court

Contents

Time of  
filing

In case of  
death  
attorney  
may  
appeal.

941b Any person to whom the right of appeal from any judgment, order or decree of the superior courts of the state is granted, may appeal therefrom by filing with the clerk of the court in which the judgment, order or decree is rendered, a notice entitled in the cause in which said judgment, order or decree was made, which said notice shall state that the person giving the same does thereby appeal to the supreme court or district court of appeal, as the case may be, from the judgment, order or decree, or some specific part thereof; and the said notice must identify the said judgment, order or decree or the part thereof appealed from, with reasonable certainty. This notice may be filed at any time after the rendition of the judgment, order or decree, but the same must be filed within sixty days after entry of said judgment, order or decree. If proceedings on motion for a new trial are pending, the time for appeal from the judgment shall not expire until thirty days after entry in the trial court of the order determining such motion for a new trial, or other termination in the trial court of the proceedings upon such motion. This notice need not be served upon any of the parties to the action or the proceeding, or their representatives or attorneys, but when filed within the time herein specified it shall, without further action on the part of the appellant transfer the cause for decision and determination to the higher court. In the event of the death of any person having at his death a right of appeal the attorney of record representing the decedent in the court in which the judgment was rendered may appeal therefrom at any time before the appointment of an executor or an administrator of the estate of the decedent

CHAPTER 111.

*An act to amend section nine hundred thirty-nine of the Code of Civil Procedure of the State of California, relating to the time within which an appeal may be taken.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

939. An appeal may be taken from any judgment or order of a superior court from which an appeal lies under any provision of this code, or of any other code, or under any other statute, within sixty days from the entry of said judgment or order. No appeal, however, shall be dismissed on the ground that it was taken after the rendition of such judgment or order and before formal entry. If proceedings on motion for a new trial are pending, the time for appeal from the judgment shall not expire until thirty days after entry in the trial court of the order determining such motion for a new trial, or other termination in the trial court of the proceedings upon such motion.

Time when appeal may be taken.

If proceedings for new trial are pending

CHAPTER 112.

*An act to amend sections nine hundred fifty, nine hundred fifty-one and nine hundred fifty-two of the Code of Civil Procedure, all relating to appeals.*

[Approved April 24, 1915 In effect August 8, 1915.]

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

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

950. On appeal from a final judgment, the appellant must furnish the court with a copy of the notice of appeal, of the judgment roll, and of any bill of exceptions upon which the appellant relies

Records furnished on appeal from final judgment.

SEC. 2 Section nine hundred fifty-one of the Code of Civil Procedure is hereby amended to read as follows:

951. On appeal from a judgment rendered on an appeal, or from an order, except an order granting a new trial, the appellant must furnish the court with a copy of the notice of appeal, of the judgment or order appealed from, and of papers used on the hearing in the court below.

On appeal from judgment on appeal.

SEC 3. Section nine hundred fifty-two of the Code of Civil Procedure is hereby amended to read as follows:

952. On appeal from an order granting a new trial the appellant must furnish the court with a copy of the notice of appeal, of the order appealed from, the judgment roll and any

On appeal from order granting new trial

bill of exceptions prepared and settled as provided in section six hundred fifty of this code subsequently to the order granting the motion.

### CHAPTER 113.

*An act to amend sections nine hundred fifty-three a and nine hundred fifty-three b of the Code of Civil Procedure, relating to a new and alternative method for the preparation of records to be used on appeal from judgments, orders or decrees from the superior court to the supreme court or district courts of appeal.*

[Approved April 24, 1915 In effect August 8, 1915.]

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

SECTION 1. Section nine hundred fifty-three a of the Code of Civil Procedure is hereby amended to read as follows:

Appeals  
from  
superior  
court.

In lieu of  
bill of  
exceptions.

953a. Any person desiring to appeal from any judgment, order or decree of the superior court to the supreme court or any of the district courts of appeal, may, in lieu of preparing and settling a bill of exceptions pursuant to the provisions of section six hundred and fifty of this code, or for the purpose of presenting a record on appeal from any appealable judgment or order, or for the purpose of having reviewed any matter or order reviewable on appeal from final judgment, file with the clerk of the court from whose judgment, order or decree said appeal is taken, or to be taken, a notice stating that he desires or intends to appeal, or has appealed therefrom, and requesting that a transcript of the testimony offered or taken, evidence offered or received, and all rulings, instructions, acts or statements of the court, also all objections or exceptions of counsel, and all matters to which the same relate, be made up and prepared. Said notice must be filed within ten days after notice of entry of the judgment, order or decree, or if a proceeding on motion for new trial be pending, within ten days after notice of decision denying said motion, or of other termination thereof.

Phono-  
graphic  
report of  
trial.

Upon receiving said notice, it shall be the duty of the court to require the stenographic reporter thereof to transcribe fully and completely the phonographic report of the trial. The stenographic reporter shall, within twenty days after said notice has been filed with the clerk, prepare a transcript of the phonographic report of the trial including therein copies of all writings offered or received in evidence and all other matters and things required by the notice above referred to to be therein contained, and shall file the same with the clerk of said court upon the same being filed: it shall be the duty of the clerk forthwith to give the attorneys appearing in said cause notice that said transcript has been filed, and that within five days after the receipt of said notice the same will be presented to the judge for approval. At the time specified in

the notice of the clerk to the attorneys said transcript shall be presented to the judge for his approval, and the judge shall examine the same and see that the same is a full, true and fair transcript of the proceedings had at the trial, the testimony offered or taken, evidence offered or received, instructions, acts or statements of the court, also all objections and exceptions of counsel and matters to which the same relate. The judge shall thereupon certify to the truth and correctness of said transcript and the same shall, when so settled and allowed, be and become a portion of the judgment roll and may be considered on appeal in lieu of the bill of exceptions now provided for by law.

Transcript presented to judge.

If the judgment, order or decree appealed from be not included in a judgment roll, the party desiring to appeal shall on the filing of said notice specify therein such of the pleadings, papers, records and files in said cause as he desires to have incorporated in said transcript in addition to the matters herebefore required and the same shall be included.

Additional matters in transcript.

The respondents on said appeal may at the time said transcript is presented for settlement and allowance, require the insertion therein of such other papers, files, documents, records and proceedings of said cause as they then desire to have incorporated therein, and the said papers, files, documents, records and proceedings shall when so incorporated be deemed fully authentic for use on said appeal. The parties may by stipulation omit any matters from said record which they desire to so omit.

Respondents may require additions

SEC 2. Section nine hundred fifty-three *b* of the Code of Civil Procedure is hereby amended to read as follows:

953*b*. At the time the said notice provided for in the last section is filed with the clerk of the court, the appellant, or person intending to appeal, shall file an undertaking in an amount to be fixed by the clerk, with two good and sufficient sureties, by which the party giving said notice shall undertake and agree to pay the clerk the cost of preparing said transcript, or may arrange personally with the stenographic reporter for his compensation.

Appellant shall file undertaking.

## CHAPTER 114.

*An act to amend section six hundred fifty of the Code of Civil Procedure, relating to exceptions.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

650. When a party desires to have exceptions taken at a trial settled in a bill of exceptions, he may, at any time thereafter, and within ten days after the entry of judgment, if the action was tried with a jury, or after receiving notice of the

Time of filing bill of exceptions.

entry of judgment. if the action was tried without a jury, or if proceedings on motion for a new trial be pending, within ten days after notice of decision denying said motion, or other determination thereof, or such further time as the court in which the action is pending, or a judge thereof, may allow, prepare the draft of a bill, and serve the same, or a copy thereof, upon the adverse party. Such draft must contain all the exceptions and proceedings taken upon which the party relies, and may contain all matters reviewable on the same appeal whether occurring at the trial or on motion for a new trial. It may also contain a statement of any matters occurring upon the trial, in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section six hundred fifty-seven of this code. Within ten days after such service the adverse party may propose amendments thereto, and serve the same or a copy thereof, upon the other party. The proposed bill and amendments must, within ten days thereafter be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires the paper to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail, or other safe channel; if not thus forwarded the clerk must deliver them to the judge immediately after his return to the county. When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten days. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served or if served are allowed, the proposed bill may be presented, with the amendments, if any, to the judge or referee, for settlement without notice to the adverse party.

It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

No bill of exceptions, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding.

Contents  
of draft

Adverse  
party  
may  
propose  
amend-  
ments.

Clerk must  
deliver to  
judge.

Judge to  
designate  
time of  
settling

Action  
tried  
before  
referee

Judge to  
strike out  
useless  
matter.

Not to be  
served on  
party  
when  
default  
entered

CHAPTER 115.

*An act to amend section one hundred thirty-one of the Civil Code of the State of California, relating to actions for divorce.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

131. In actions for divorce, the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted, an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce. After the entry of the interlocutory judgment, neither party shall have the right to dismiss the action without the consent of the other.

Court must file decision in divorce cases.

Interlocutory judgment.

CHAPTER 116.

*An act to amend section nine hundred sixty-three of the Code of Civil Procedure of the State of California, relating to cases in which an appeal may be taken.*

[Approved April 24, 1915. In effect August 8, 1915.]

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

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

963. An appeal may be taken from a superior court in the following cases:

Appeal from final judgment of superior court.

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial in an action or proceeding tried by a jury where such trial by jury is a matter of right, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem and

From order granting new trial.

directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce.

From judgments regarding letters testamentary, etc.

3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale or conveyance of real property, or settling an account of an executor, administrator or guardian; or refusing, allowing or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser or appraisers setting apart a homestead.

## CHAPTER 117.

*An act to amend section six hundred and forty of the Penal Code of the State of California, relating to telegraph and telephone lines and messages.*

[Approved April 26, 1915 In effect August 8, 1915]

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

SECTION 1. Section six hundred and forty of the Penal Code of the State of California is hereby amended to read as follows:

Fraudulent connection with telegraph, etc., wires

640 Every person who, by means of any machine, instrument, or contrivance, or in any other manner, wilfully and fraudulently, or clandestinely taps, or makes any unauthorized connection with any telegraph or telephone wire, line, cable, or instrument under the control of any telegraph or telephone company, or who wilfully and fraudulently, or clandestinely, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any telegraph or telephone wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained; or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things hereinabove mentioned, is punishable as provided in section 639.

Penalty.

CHAPTER 118.

*An act to amend section seventeen hundred twenty-nine of the Political Code of the State of California, relating to the manner in which high school districts may unite.*

[Approved April 26, 1915 In effect August 8, 1915]

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

SECTION 1 Section 1729 of the Political Code is hereby amended to read as follows:

1729. Two or more contiguous high school districts in the same or in adjoining counties may be united to form a single union or joint union high school district by proceedings taken as hereinafter provided. Whenever a petition, signed by two-thirds of the high school board of each of two or more contiguous high school districts, asking that said high school districts be united to form a single union or joint union high school district under a name to be stated in the petition, and stating the location of the high school agreed upon by said high school boards, shall be presented to the superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school districts so petitioning, said superintendent of schools shall, within twenty days, call an election for the determination of the question. Such election shall be held separately in each of the school districts composing said high school districts so petitioning, and shall be called and held as provided in section seventeen hundred twenty-seven, except that the ballots shall state the location of the high school as described in the petition to the superintendent of schools and shall contain the words "For the union of high school districts—Yes" and "For the union of high school districts—No." Said superintendent of schools shall canvass the returns and file his certificate of the result as directed by section seventeen hundred twenty-seven. If a majority of the votes cast at such election in each of such high school districts are in favor of the union of such high school districts, the high school districts so petitioning shall, from the time of filing such certificate, be united to form a single union or joint union high school district under the name stated in the petition. Thereupon the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one. If either of such high school districts so united has an outstanding bonded indebtedness, the new high school district shall be liable therefor; also a union high school district which lies contiguous to or adjoining a high school district of an incorporated city or town in any county, may be annexed to, consolidated and merged with said high school district of such incorporated city or town. Whenever a majority

High school districts may unite.

Superintendent of schools shall call election

Shall canvass returns.

Election of board.

Union district liable for indebtedness.

Union  
district  
may unite  
with city  
high  
school  
district

of the heads of families residing in any union high school district which lies contiguous to or adjoining a high school district in any incorporated city or town in the same county, shall present to the superintendent of schools of said county a petition asking for the annexation, consolidation and merger of such union high school district with such high school district of such incorporated city or town, and which petition is accompanied by an agreement signed by a majority of the members of the board of education or board of school trustees of such incorporated city or town and consenting and agreeing to such annexation, consolidation and merger, and setting forth the terms and conditions upon which such annexation, consolidation and merger shall be made, such superintendent of schools shall, after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of said county with his recommendation thereon. Such board thereupon, in their discretion, may make an order annexing, consolidating and merging, for high school purposes, such union high school district with such high school district of such incorporated city or town, and such merged, consolidated and combined district shall take the name and thereafter be known by and under the same name as the high school district of such incorporated city or town; *provided*, that all bonded indebtedness of either of said districts and all interest thereon shall be paid by the district which incurred the same as though such consolidation and merger had not occurred; then the consolidation and merger of such union high school district with said high school district of such incorporated city or town upon the terms stated in such petition and agreement shall be complete and valid by virtue of the order of said board of supervisors duly entered in its minutes

Indebted-  
ness to be  
paid by  
district  
incurring  
same.

Annexation  
may be  
made at  
any time.

Such annexation, consolidation and merger may be made at any time irrespective of the provisions of section 1577 of the Political Code of this state. After any such union high school district has been so annexed to, consolidated and merged with any such high school district of any incorporated city or town, such territory of said union high school district so merged and consolidated shall be deemed to be a part of said city or incorporated town for high school purposes and for all matters connected with the high school department thereof, and for the purpose of assessing, levying and collecting property taxes for the high school funds of such city or incorporated town and for the purposes specified in sections 1880 and 1888, inclusive, of the Political Code.

Govern-  
ment  
vested in  
city  
board of  
education

Whenever a union high school district shall be annexed to, consolidated and merged with a high school district of an incorporated city or town as hereinabove provided, the governing power and control of such union high school district shall thereafter be merged and vested in the board of education or board of school trustees of such incorporated city or town, and all funds belonging to said union high school district shall be

transferred by requisition of the school superintendent of the said county upon the county auditor to the credit of the proper funds of such incorporated city or town with which said union high school district has been merged, consolidated and annexed and thereafter said high school district of said incorporated city or town shall have the benefit of and shall be entitled to enforce and collect in its own name all obligations and contracts then existing in favor of such union high school district and shall also assume and be responsible for the payment or performance of all debts, obligations and contracts outstanding or existing against said union high school district, excepting only the bonded indebtedness then outstanding and existing against said union high school district, and shall thereafter govern and control all the property of said union high school district.

CHAPTER 119.

*An act relating to hotels, defining the same, providing regulations in connection therewith, providing for the sanitation of the rooms of such hotels, providing for the sanitary method and manner of keeping, handling and using bed clothes or bed covering in such hotels, repealing all acts or parts of acts in conflict with this act, providing for its enforcement by the state board of health, and providing a penalty for the violation of any of its provisions.*

[Approved April 26, 1915 In effect October 1, 1915.]

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

SECTION 1. Every building or structure, kept as, used as, maintained as, or advertised as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the public, or any part of the public, whether with or without meals, shall, for the purpose of this act, be deemed to be a hotel, and whenever the word "hotel" shall occur in this act, it shall be deemed to include lodging house and rooming house. "Hotel" defined.

SEC. 2. All bedding, bed clothes, or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt; *provided*, that no bedding, bed clothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unfit for use by human beings according to the true intent and meaning of this act. Bedding must be clean

SEC. 3. Any room in any hotel in this state which is or shall be infested with vermin or bed bugs or similar things, shall be thoroughly fumigated, disinfected and renovated until such vermin or bed bugs or other similar things are entirely exterminated. Infested rooms shall be fumigated

Rooms  
must be  
clean.

SEC. 4. Every room in any hotel in this state used for sleeping purposes, must be kept free from any and every kind of dirt or filth of whatsoever nature, and the walls, floors, ceiling and doors of every such room shall be kept free from dirt.

Must be  
ventilated

SEC. 5. Every room in any hotel, used for sleeping purposes, shall have devices, such as a window or transom, so constructed, as to allow for proper and a sufficient amount of ventilation in each such room.

Size of  
sheets.

SEC. 6. Every bed, for the accommodation of any person or persons or guests, kept or used in any hotel in this state, must be provided with a sufficient supply of clean bedding and must be provided with sheets at least eighty-one inches wide and ninety-eight inches long; *provided, however,* that on every single bed there shall be sheets at least fifty inches wide and ninety-eight inches long. Every bed shall be supplied with clean sheets and pillow slips as often as assigned to a different person.

Individual  
towels.

SEC. 7. Every hotel, within this state, having a public washstand or wash bowl, where different persons gather to wash themselves, must keep a sufficient supply of clean individual towels for the use of such persons within easy access of or to such persons and in plain sight and view.

Non-  
compliance  
with act

SEC. 8. Every owner, manager, lessee or other person in charge of any hotel in this state who shall fail to comply with this act whether through the acts of his agents or employees or otherwise, shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or shall be imprisoned for not more than three months; and every day that any hotel shall be kept in violation of any of the provisions of this act such keeping shall constitute a separate offense.

Duty of  
health  
department  
Repealed

SEC. 9. It shall be the duty of the department of health of every incorporated town or city and every county or city and county to enforce the provisions of this act.

In effect  
when

SEC. 10. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 11. This act shall be in effect on and after October 1, 1915.

Construction  
of act

SEC. 12. Nothing in this act shall be construed to include cots or bunks where the same are used in places other than in hotels.

CHAPTER 120.

*An act to amend section ninety-nine of the Code of Civil Procedure, relating to justices' courts and justices in townships having a population between 250,000 and 400,000.*

[Approved April 26, 1915 In effect August 8, 1915]

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

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

99. There shall be in each township having a population of more than 250,000 and less than 400,000, one justices' court composed of six justices of the peace, which shall have the powers and jurisdiction prescribed and conferred by law upon justices of the peace. Said justices shall choose one of their number to be presiding justice, and in case of his disability or temporary absence he may designate any one of the other justices to act in his stead. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. The supervisors shall provide in a convenient locality a suitable office for the presiding justice, justices' clerk, and rooms suitable for holding sessions of said court, separate from each other, for each of said justices of the peace. The said justices, justices' clerk, and deputy clerk, shall be in attendance at their respective offices for the dispatch of official business daily from nine o'clock a.m. until five p.m.

Justices' court in townships of 250,000 to 400,000 inhabitants

Any of justices may hold court

Hours of duty.

Present justices' tenure of office not affected

Nothing in this act shall affect the tenure of office of any justice of the peace now holding office

CHAPTER 121.

*An act to add a new section to the Political Code to be numbered three thousand four hundred eighty f, relating to indemnity certificates of location or scrip issued pursuant to the provisions of section three thousand four hundred eighty d of said code.*

[Approved April 26, 1915. In effect August 8, 1915]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 3408f, and to read as follows:

3408f. Whenever the purchaser or owner of an indemnity certificate of location or scrip, purchased pursuant to the provisions of section 3408d of the Political Code, desires to receive from the state the amount of money paid therefor, he shall surrender the same to the surveyor general who shall there-

Indemnity certificates may be exchanged for money paid

Warrant  
drawn by  
controller.

upon cancel same, and issue to him a certificate showing the amount paid therefor. Upon surrender of the certificate, so issued by the surveyor general, to the controller of state he must draw his warrant in favor of said purchaser or owner for the amount therein specified, upon the treasurer of state, who must pay the same out of the fund into which the purchase money was paid: *provided*, that in cases where certificates of purchase have been issued for the land selected in lieu of the base described in the indemnity certificate of location or scrip, the owners of the certificates of purchase shall be governed by the provisions of section 3571 of the Political Code.

## CHAPTER 122.

*An act to add a new section to the Political Code, to be numbered forty-one hundred ninety a, relating to the amount of money that the boards of supervisors of the several counties may set apart and pay into the "law library fund"; and to repeal section forty-two hundred twenty-one a of the Political Code.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

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

Law  
library  
fund.

4190a. The boards of supervisors of the several counties of this state are hereby authorized at their discretion to set apart each month from the fees collected by the county clerks in addition to the fund now provided for by law, a sum not exceeding one hundred dollars in any one month, to be paid by the county clerk into the "law library fund" designated in section forty-one hundred ninety of this code and when so paid into said fund the same shall constitute a part thereof and be used for the same purpose as said fund is now used.

Repealed

SEC 2. Section 4221a of the Political Code is hereby repealed.

CHAPTER 123.

*An act to amend sections three thousand two hundred nine, three thousand two hundred fifteen, three thousand two hundred sixteen and three thousand two hundred twenty-two of the Political Code, relating to weights and measures and the standards thereof.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

SECTION 1. Section 3209 of the Political Code is hereby amended to read as follows:

3209. The standard weights and measures now in charge of the state superintendent of weights and measures being the same that were furnished to this state by the government of the United States, and consisting of one standard yard measure; one set of standard weights, comprising one troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five, and fifty pounds, respectively; one set of standard troy ounce weights, divided decimally from ten ounces to the one ten-thousandth of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one half-gallon, one quart, one pint, and one half-pint measure; and one standard half-bushel, containing one thousand and seventy-five cubic inches and twenty-one hundredths of a cubic inch, according to the inch hereby adopted as the standard, are the common standards of weights and measures throughout the state; *provided, however,* that instead of using the common standard of weights and measures it shall be lawful throughout the state to employ the weights and measures of the metric system authorized by the congress of the United States of America, and no contract or pleading in any court shall be deemed invalid or liable to objection because the weights and measures expressed or referred to therein are weights or measures of the metric system.

Standard weights and measures furnished by government.

Metric system may be used

SEC. 2. Section 3215 of the Political Code is hereby amended to read as follows:

3215 The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, is divided into sixteen equal parts, called avoirdupois ounces; the hundred weight consists of one hundred avoirdupois pounds, and twenty hundred weight constitutes a ton. The avoirdupois ounce is divided into sixteen equal parts called avoirdupois drams. The troy ounce is equal to the twelfth part of the troy pound. The troy pennyweight is equal to the twentieth part of the troy ounce, and the troy grain is equal to the twenty-fourth part of the troy pennyweight. The apothecary's pound is equal to the troy pound. The apothecary's ounce is equal to the twelfth part of the apothecary's pound. The apothecary's dram is equal

Standard weights.

to the one-eighth part of the apothecary's ounce. The scruple is equal to the one-third part of the apothecary's dram, and the grain is equal to one-twentieth of the scruple.

SEC. 3. Section 3216 of the Political Code is hereby amended to read as follows:

Liquid  
measures

3216. The standard gallon and its parts are the units or standards of capacity for liquids, from which all other measures of liquids are derived and ascertained. The liquid quart is equal to the one-fourth part of the standard gallon. The pint is equal to the one-eighth part of the gallon. The gill is equal to the one-fourth part of the pint. The fluid ounce is equal to the one-sixteenth part of the pint. The fluid dram is equal to the eighth part of the fluid ounce, and the minim is equal to the sixtieth part of the fluid dram.

SEC. 4. Section 3222 of the Political Code is hereby amended to read as follows:

Contracts  
to be  
construed  
according  
to common  
standards

3222. Contracts made within this state for work to be done or for anything to be sold or delivered by weight or measure, must be construed according to the foregoing common standards, known as the imperial system or according to the foregoing authorized weights and measures of the metric system, according as the units of one system or the other system are used or referred to in such contracts.

## CHAPTER 124

*An act authorizing the use of convict labor on state highways; regulating the handling of such labor; authorizing extra good time allowance; and providing penalties for interference.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

Convicts  
for state  
highway  
work

SECTION 1. The department of engineering of the State of California may employ, or cause to be employed, convicts confined in the state prisons in the construction, improvement and maintenance of the state highway system provided for in the "State Highways Act," approved March 22, 1909, and in the construction, improvement and maintenance of any other state roads in California.

Upon the requisition of the department of engineering the state board of prison directors shall send to the place and at the time designated the number of convicts requisitioned, or such portion thereof as are in the judgment of the warden available.

Department  
of  
engineering  
to  
supervise  
work

SEC. 2. The department of engineering shall designate and supervise all road work done under the provisions of this act. It shall provide, supervise and maintain necessary camps and commissariat.

SEC. 3. The state board of prison directors shall have full jurisdiction at all times over the discipline and control of convicts employed on state roads.

Prison directors shall discipline.

SEC. 4. The expense of transportation of labor, necessary guarding, commissariat, camps, and all other expense incidental to such work shall be borne by the respective funds provided for such state road or highway work in the manner provided by law.

Expenses.

SEC. 4½. Said convicts when employed under the provisions of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor.

Convicts not to build bridges.

SEC. 5. The state board of prison directors is hereby empowered and directed to adopt a special rule applicable solely to convicts employed as herein authorized and contemplated, whereby convicts so employed shall be granted additional good time allowance conditioned upon their loyal, obedient and efficient co-operation with the state, but such additional good time allowance shall not exceed one day for each two calendar days that the convict is absent from the prison.

Good time allowance for work.

SEC. 6. Any person who, without authority, interferes with or in any way interrupts the work of any convict employed pursuant to this act, and any person not authorized by law, who gives or attempts to give to any state prison convict so employed any opium, cocaine, or other narcotic, or any intoxicating liquors of any kind whatever, or firearms, weapons or explosives of any kind, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not less than one year nor more than five years, and shall be disqualified from holding any state office or position in the employ of this state. Any officer or guard of any state prison, or any superintendent of such road work, having in charge the convicts employed upon such highways, may arrest without a warrant any person violating any provision of this section.

Interference with convicts, felony.

Penalty

SEC. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealed

### CHAPTER 125.

*An act validating the formation and organization, and determining the boundaries of the Pleasanton township county water district in the county of Alameda, State of California.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

SECTION 1. Pleasanton township county water district in the county of Alameda, State of California, as authorized by an affirmative vote of three hundred and seven (307) qualified

Pleasanton township county water district

electors of the territory embraced within the boundaries of said district, to sixty-one (61) votes against the organization thereof, and as formed and organized by the board of supervisors of said Alameda county, and as now existing, is hereby recognized and declared valid, and all proceedings on formation and organization thereof are hereby approved and declared valid.

Boundaries.

SEC. 2. The boundaries of said district are hereby declared to be as follows: Commencing at the northwesterly corner of plot No. 8 of the Bernal portion of the Rancho el Valle de San Jose, in Alameda county, California, as said plot No. 8, and also the hereinafter mentioned plots of said portion of said rancho are described in the decree of partition of the Bernal portion of the Rancho el Valle de San Jose, said decree being on file in the office of the county recorder of Alameda county, California, in book 40 of deeds, at page 315; running thence from said point of commencement, southerly along the line dividing plots Nos. 7 and 8 of said portion of said rancho, to the southwesterly corner of said plot No. 8; thence easterly along the southerly boundary line of said plot No. 8 to the northwesterly corner of plot No. 9 of said portion of said rancho; thence southerly along the line dividing plots Nos. 4 and 9 of said portion of said rancho to the southeasterly corner of plot No. 4; thence westerly along the southerly boundary line of plot No. 4 to the southwesterly corner of said plot No. 4; thence northerly along the westerly boundary line of plot No. 4 to the southeasterly corner of the Pleasanton Homesteads as said Pleasanton Homesteads are shown and delineated on that certain map entitled "Map of the Pleasanton Homesteads, surveyed Jan., 1884, for J. W. Kottlinger, Esq. By Luis Castro, C. E.," and filed in the office of the recorder of Alameda county, California, March 7, 1885, in book 6 of maps, at page 30; thence following the southerly boundary line of said Pleasanton Homesteads in a general northerly and westerly direction to the intersection of said boundary line with the easterly boundary line of the town of Pleasanton as said boundary line of the town of Pleasanton is described, established and set forth in the order of incorporation of town of Pleasanton, filed in the office of the county clerk of Alameda county, California, June 11, 1894; thence following said easterly boundary line of the town of Pleasanton as described in said order, in a general southwesterly direction to the most southerly corner of said town; thence following the southerly boundary line of said town in a general northerly and westerly direction to the intersection of said boundary line with the center line of county road survey No. 819; thence leaving the boundary line of the town of Pleasanton and running in a general southerly direction along the center line of the main county road leading from the town of Pleasanton to Sunol, said road being shown and numbered on the official map of Alameda county, California, dated 1910, as county road surveys Nos. 819 and 2033, to the intersection of said

center line with the line dividing the Bernal portion from the Sunol portion of the Rancho el Valle de San Jose, said point of intersection being also on the southerly boundary line of plot No. 53, as described in the decree of partition of the Bernal portion of the Rancho el Valle de San Jose hereinbefore mentioned; thence along said last mentioned line in a northwesterly direction to station V. S. J. 8 in the exterior boundary line of the Rancho el Valle de San Jose, as said station and said exterior boundary line of said rancho are designated and delineated upon that certain map entitled "Plat of the Rancho Valle de San Jose finally confirmed to Antonio Sunol, Juan Bernal and Augustin Bernal," etc., and filed in the office of the recorder of Alameda county, California, in book A of patents at pages 157 and 158; thence running westerly, northwesterly and northerly on those certain bearings and distances as described in a mortgage by W. C. Stone to the Security Savings Bank of San Francisco, recorded March 26, 1904, in liber 681 of mortgages at page 351, Alameda county records, to station V. S. J. 4 in the exterior boundary of the Rancho el Valle de San Jose, as the said station and said boundary are designated on that certain map of the Rancho el Valle de San Jose hereinbefore mentioned; thence leaving the boundaries of the land as described in the mortgage herein last mentioned and running east along the southerly boundary line of plot No. 46 of the Bernal portion of the Rancho el Valle de San Jose, as said plot No. 46 is described in the decree of partition of the Bernal portion of the Rancho el Valle de San Jose hereinbefore mentioned, to the most westerly corner of that certain tract of land containing 51.04 acres conveyed by Joshua Chadbourne and Frances O. Chadbourne to Phebe A. Hearst, by deed recorded May 14, 1897, in book 618 of deeds, at page 50, Alameda county records; thence running north 53 degrees 20 minutes east along the northwesterly boundary line of said last mentioned tract of land as described in said deed to the easterly boundary line of said plot No. 46 of the said Bernal portion of the Rancho el Valle de San Jose, and the most northerly corner of the 51.04 acre tract hereinabove mentioned, thence running along said easterly boundary line of said plot No. 46 in a northerly direction to the intersection of said line with the center line of county road No. 1927, said road being shown and numbered on the official map of Alameda county, California, dated 1910, as county road survey No. 1927; thence following the center line of said county road No. 1927 and its continuation to Dublin, in a northwesterly direction (said continuation of said county road being unnumbered on the official map of Alameda county, California, dated 1910, hereinbefore referred to), to the center line of the main county road running from Dublin to Livermore; thence along the center line of said main county road from Dublin to Livermore in an easterly direction to the intersection of said center line with the direct production northerly of the most northerly bearing of the center

Boundaries.

*Boundaries.* line of the county road established by county road surveys Nos. 1528 and 2515, said surveys Nos. 1528 and 2515 being on record in the office of the county surveyor of Alameda county, California; thence in a straight line in an easterly direction to station S. R. D. 1 in the exterior boundary line of the Santa Rita rancho, as said station line and rancho are designated, delineated and so described upon that certain map entitled "Plat of the Santa Rita rancho finally confirmed to John Yountz administrator of the estate of Jose Dolores Pacheco," etc., and filed in the office of the recorder of Alameda county, California, in book A of patents at pages 183 and 184; thence along the boundary line of said rancho as described on the map hereinbefore last mentioned north 79 22 chains to station S. R. D. 2 of said rancho; thence along a north line of said rancho, being also the south line of fractional sections Nos. 33 and 34 in township 2 south, range 1 east, M D B. and M., east 120 chains to station S. R. D. 3 of said rancho, said station being on an easterly boundary line of Pleasanton township as said boundary line of said township was established by resolution of the board of supervisors of Alameda county, California, at a regular meeting of said board held on August 4, 1902; thence southerly along an easterly boundary line of the Santa Rita rancho and the boundary line of Pleasanton township to station S R D. 4 of said rancho, thence continuing southerly along an eastern boundary line of Pleasanton township to the southerly line of the main county road from Dublin to Livermore (being the same road running from Dublin to Livermore as hereinbefore mentioned and referred to); thence along the southerly line of said county road last mentioned, westerly to the northwesterly corner of that certain parcel of land containing 375 and 60-100 acres which was deeded by Margaret Galway and John Galway to J. K. Warner, by that certain deed recorded in book 2007 of deeds, at page 63, Alameda county records; thence along the westerly boundary line of the property described by that certain deed herein last above referred to, southerly to the southwestery corner of said parcel of land described in said last mentioned deed; thence along the southerly boundary line of said last mentioned parcel of land, easterly, to the westerly boundary line of that certain parcel of land containing 325 acres which was deeded by Daniel Inman to Josephine Inman by that certain deed recorded in book 1508 of deeds at page 354, Alameda county records (said westerly boundary line of said parcel of land herein referred to being also an easterly boundary line of Pleasanton township); thence along an easterly boundary line of Pleasanton township and the westerly boundary line of the property described by that certain deed herein last above referred to, southerly to the northerly boundary line of plot No. 7 of the Bernal portion of the Rancho el Valle de San Jose, as said plot No. 7 is described in the decree of partition of said portion of said rancho, herein before referred to; thence northeasterly along the northerly boundary

line of said plot No. 7 to the northwest corner of plot No. 8 of said portion of said Rancho el Valle de San Jose and the point of commencement.

It is intended in the description as hereinabove set forth Intention. to include only land within the boundaries of the Pleasanton township as said boundaries were finally established by resolution of the board of supervisors of Alameda county, California, on August 4, 1902

CHAPTER 126.

*An act to amend section forty-two hundred fifty-nine of the Political Code, relating to the salaries and fees of officers in counties of the thirtieth class.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

SECTION 1 Section forty-two hundred fifty-nine of the Political Code is hereby amended to read as follows:

4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them, by law or by virtue of their offices the following salaries, to wit: Counties of 30th class, salaries of officers.

1. The county clerk, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk the following deputies, who shall be appointed by the county clerk and who shall be paid salaries as follows: One chief deputy clerk, at a salary of one hundred dollars per month, one deputy clerk at a salary of one hundred dollars per month, and one stenographer at a salary of seventy-five dollars per month. The salaries of the deputies hereinabove provided for shall be paid by the county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of other county officers are paid; *provided, further, however*, that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided, further*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of other county officers are paid. County clerk

2. The sheriff, four thousand dollars per annum; *provided*. Sheriff. that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows to-wit: One under-sheriff at a salary of one hundred fifty per month, one deputy sheriff at a salary of one hundred

dollars per month, and one deputy sheriff at seventy-five dollars per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the privilege of boarding the prisoners as heretofore provided, in this county, then the deputy who shall be head jailer shall receive the salary of one hundred dollars per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters: all fees of every nature and kind collected by the sheriff shall be turned into the county treasurer. The salaries of the deputies hereinbefore provided shall be paid in monthly installments by said county, at the same time and manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the recorder one copyist who shall be appointed by the recorder of said county, who shall be paid a salary of seventy-five dollars per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Auditor.

4. The auditor, eighteen hundred dollars per annum.

Tax collector.

5. The tax collector, twenty-one hundred dollars per annum: *provided*, that in counties of this class, there shall be and there hereby is allowed to the tax collector a deputy to be appointed by the tax collector, who shall receive a salary of sixty-five dollars per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Assessor.

6. The assessor, thirty-six hundred dollars per annum; and said assessor may appoint one chief deputy, who shall receive a salary of twelve hundred dollars per annum, which salary shall be paid by the county in equal monthly installments; also, he may appoint other field deputies whose compensation in the aggregate shall not exceed two thousand dollars in any one year, payable to them in installments, at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of the above deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid. All commissions or fees now or hereafter allowed by law shall be paid into the county treasury and no compensation shall be allowed the assessor for preparing the military roll of a county of this class. The office of the county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The changes provided in

this section do not affect an increase in the compensation of a county officer and shall apply immediately to incumbents.

7. The county treasurer, twenty-one hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury. Treasurer

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a deputy, who shall be appointed by the district attorney of said county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the district attorney. District attorney

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

10. Public administrator, such fees as are now or may hereafter be allowed by law. Adminis-  
trator

11. The superintendent of schools, twenty-one hundred dollars per annum. His office shall be kept open on all business days from nine a.m. to twelve m., and from one p.m. to five p.m. He shall be allowed his actual traveling expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of sixty-five dollars per month, to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools. Superin-  
tendent of  
schools.

12. The county surveyor, twenty-five hundred dollars per annum; and said surveyor may appoint one chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum; also, one deputy who shall receive a salary of twelve hundred dollars per annum; such compensation and salary as above set forth shall be paid in full for all services rendered by such county surveyor; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties; such salary to be paid at the same time, in the same manner and out of the same fund as salaries of other county officials are paid. Surveyor.

13. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred and fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable Board of  
education.

out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Justices  
of peace

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is four thousand or more, one hundred and fifty dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

Constables

15. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is four thousand or more, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting or conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Population

16. For the purposes of subdivisions 14 and 15 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by three the vote for governor of the State of California cast in each township at the next preceding election.

Supervisors.

17. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

Salaries  
payable  
monthly.

18. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

19. For acting as a grand juror in the superior court, for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile. Jurors.

CHAPTER 127.

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

[Approved April 27, 1915. In effect—see sections 2, 14, 15, 16.]

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

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

4253. In counties of the twenty-fourth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit: salaries of officers

1. The county clerk, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for the name of each defendant entered in the index labeled "general index defendants" as provided in subdivision four of section four thousand one hundred and seventy-eight; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred and eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests. County clerk

2. The sheriff, five thousand one hundred dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons, or other state institutions, which expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the Sheriff.

fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other state institutions. The legislature hereby declares that the provisions of this section are not intended to, and do not, increase or diminish the compensation of sheriff but are intended to change the same to a fixed salary basis. The provisions of this section shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and shall take effect and be in force at such time as to the present incumbent

- Recorder 3. The recorder, two thousand one hundred dollars per annum.
- Auditor 4. The auditor, two thousand and four hundred dollars per annum.
- Treasurer 5. The treasurer, two thousand dollars per annum.
- Tax collector. 6. The tax collector, two thousand and two hundred dollars per annum.
- License collector. 7. The license collector, seven hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law. The provisions of this section shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and shall take effect and be in force and apply at said time to the present incumbent. The legislature hereby declares that the provisions of this section are not intended to, and do not, increase or diminish the compensation of the license collector but are intended to change the same to a fixed salary basis.
- Assessor. 8. The assessor, six thousand five hundred dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. The provisions of this section shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and shall take effect and be in force and apply at said time to the present incumbent. The legislature hereby declares that the provisions of this section are not intended to, and do not, increase or diminish the compensation of the assessor, but are intended to change the same to a fixed salary basis.
- District attorney. 9. The district attorney, two thousand seven hundred dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.
- Coroner. 10. The coroner, such fees as are now or may be hereafter allowed by law.
- Administrator 11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses when visiting the schools of his county. Superintendent of schools

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

14. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) in townships having a population of five thousand or more, one hundred dollars per month; *provided*, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be seventy-five dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, seventy-five dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government. The provisions of this section shall not take effect during the term of the present incumbents Justices of peace

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; *provided*, that no member shall be allowed to receive pay for more than twelve meetings during any one year, and the further sum of twenty cents per mile, mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner. The provisions of this section shall not take effect during the term of the present incumbents Supervisors

16. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) in townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; (5) in townships having a population of less than one thousand, Constables.

twenty dollars per month. In addition to the monthly salaries allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day, and *provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government. The provisions of this section shall not take effect during the term of the present incumbents.

Jurors

17. In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroners' inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile: *provided*, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

Constitutionality.

The legislature hereby declares that if any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act.

CHAPTER 128.

*An act to amend section four thousand two hundred and sixty-seven of the Political Code of the State of California, relating to the salaries, fees and expenses of officers in counties of the thirty-eighth class.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

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

4267. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum; and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

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

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid

4. The auditor, one thousand dollars per annum

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

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, two thousand five hundred dollars per annum. The said assessor may appoint one office deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said

"field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

District  
attorney.

8. The district attorney, two thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk to the district attorney is hereby created. Said clerk to the district attorney shall receive a salary of fifty dollars per month, payable at the same time and in the same manner as the salary of county officers is paid.

Coroner.

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

Adminis-  
trator.

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

Superin-  
tendent of  
schools.

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

Surveyor.

12. The surveyor, twelve hundred dollars per annum; and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Township  
officers

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of one hundred dollars per month; constables in townships of this population shall receive a salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of twenty dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of ten dollars per month.

Full  
compensa-  
tion.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in civil and criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail,

the actual expenses of such transportation; *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three.

14. Each member of the board of supervisors, twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

CHAPTER 129.

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

[Approved April 27, 1915. In effect August 8, 1915.]

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

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

4261. In counties of the thirty-second class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salary, or fees, to wit:

1. The county clerk, two thousand five hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid.

2. The sheriff, three thousand dollars per annum and one jailer at a salary of one hundred dollars per month, and one bailiff at a salary of seventy-five dollars per month, one deputy at a salary of one hundred dollars per month, which office is hereby created, to be appointed by the sheriff, the salary of said jailer, bailiff and deputy payable monthly in the same manner as the salaries of the other county officers are paid.

3. The recorder, two thousand dollars per annum, and one copyist at a salary of eight hundred dollars per annum, which office of copyist is hereby created, and one copyist at a salary of eight hundred dollars per annum, which office of copyist is hereby created, the salary of said copyists payable monthly in the same manner as the salaries of other county officers are paid.

4. The auditor, two thousand dollars per annum, and one deputy during the months of July, August, September, October, November, and December of each year, at a salary of one hundred dollars per month, which office of deputy auditor is

hereby created, the salary of said deputy payable monthly in the same manner as the salaries of other county officers are paid.

Treasurer  
Tax  
collector

5. The treasurer, two thousand dollars per annum.

6. The tax collector, two thousand five hundred dollars per annum, and one deputy at a salary of seventy-five dollars per month, which office of deputy tax collector is hereby created, the salary of said deputy payable monthly in the same manner as the salaries of other county officers are paid.

Assessor.

7. The assessor, four thousand five hundred dollars per annum; one chief deputy, which office of chief deputy assessor, is hereby created, at a salary of one thousand two hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; one copyist for a period of four months in each year, which office of copyist is hereby created, at a salary of seventy-five dollars per month, payable during the months of March, April, May and June of each year, in the same manner as the salaries of other county officers are paid. The assessor may also appoint such number of additional deputies as he shall deem necessary, the salaries of such additional deputies to be paid by the assessor out of his salary above provided for. All sums collected by the assessor or his deputies as fees or commissions allowed by law for the collection of personal property taxes, for making the military roll and for commissions now or hereafter allowed by law for the collection of poll taxes, shall be paid into the county treasury, for the use of said county, monthly as collected, with a statement of account of such collection

District  
attorney.  
Coroner

8. The district attorney, two thousand dollars per annum.

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

Adminis-  
trator

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

Superin-  
tendent of  
schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and one clerk, which office of clerk to the superintendent of schools is hereby created, at a salary of six hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid.

Surveyor.

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

Supervisors.

13. Supervisors, each the sum of eight hundred dollars per annum, in full for all services performed by them as supervisors, and as members of the board of equalization, and road commissioners, and in any and every capacity.

Justices  
of peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them. In townships having a population of more than six thousand, one hundred dollars per month; in townships having a population of less than six thousand and more than three thousand, seventy-five dollars per month; in townships having a population of less than three

thousand and more than seven hundred fifty, forty-five dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. It is hereby found as a fact that the salaries provided for this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Constables shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than six thousand, one hundred dollars per month; in townships having a population of less than six thousand and over three thousand, seventy-five dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. The constables may retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law

15 Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such juror ten cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasury in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

CHAPTER 130.

*An act to amend section sixteen hundred sixty-seven of the Political Code of the State of California*

[Approved April 27, 1915. In effect August 8, 1915.]

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

SECTION 1 Section sixteen hundred sixty-seven of the Political Code of the State of California is hereby amended to read as follows

1667 Instruction must be given in all grades of school and in all classes during the entire school course, in manners and morals, and upon the nature of alcohol and narcotics and their effects upon the human system, as determined by science. In all teachers' training classes in the normal schools of this state, adequate time and attention shall be given to instruction in the best methods of teaching the nature of alcohol and narcotics and their effects upon the human system, and all examinations for the granting of certificates to teachers by boards of education shall include this subject.

Constables

Jurors.

Effect of alcohol and narcotics to be taught in schools

## CHAPTER 131.

*An act to add a new section to the Code of Civil Procedure, to be numbered nine hundred eighty-one, providing for the payment by parties appealing from judgments in justices' courts of filing fees and calendar fees in the superior court.*

[Approved April 27, 1915. In effect August 8, 1915.]

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

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

No appeal effective unless fees for filing are paid

981. No appeal taken from a judgment rendered in a police or justice court in civil matters shall be effectual for any purpose whatever unless the appellant shall, at the time of filing the notice of appeal, pay in addition to the fee payable to the justice of the peace on appeal, the fees provided by law to be paid to the county clerk for filing the appeal and for placing the action on the calendar in the superior court. Upon transmitting the papers on appeal, the justice or judge shall transmit to the county clerk the sum thus deposited for filing the appeal in the superior court and for placing the action on the calendar. No notice of appeal shall be filed unless the fees herein provided for are paid in accordance with the provisions of this section.

## CHAPTER 132.

*An act declaring all buildings and places nuisances, wherein or upon which any spirituous, vinous, malt or other alcoholic liquor is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such liquors; and providing for the abatement of such nuisances.*

[Approved April 28, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows.*

Unlawful sale of liquors, nuisance.

SECTION 1. Every building or place used for the purpose of unlawfully selling, serving or giving away any spirituous, vinous, malt or other alcoholic liquor, and every building or place wherein or upon which such liquors are unlawfully sold, served or given away, is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, whether the same be a public or private nuisance.

District attorney or citizens may bring suit to abate.

SEC. 2. Whenever there is reason to believe that such nuisance is kept, maintained or exists in any county or city and county, the district attorney of said county or city and county, in the name of the people of the State of California, must,

or any citizen of the state resident within said county or city and county, in his own name may, maintain an action in equity to abate and prevent such nuisance and to perpetually enjoin the person or persons conducting or maintaining the same, and the owner, lessee or agent of the building, or place, in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance.

SEC. 3. The complaint in such action must be verified unless filed by the district attorney. Whenever the existence of such nuisance is shown in such action to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, and the court or judge is satisfied that the owner of the property has received written notice of the existence of such nuisance, signed by the complainant or the said district attorney at least two weeks prior to the filing of the complaint, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance. On granting such writ the court or judge must require, except when it is granted on application of the people of the state, written undertaking on the part of the applicant, with sufficient securities, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as such party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto.

Abatement procedure.

Writ of injunction.

SEC. 4. The action when brought shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunctions. If the complaint is filed by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any such citizen consenting thereto for such plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs shall be taxed against such citizen.

Precedence of actions.

Costs.

SEC. 5. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in such action shall be a lien upon such building and place, enforceable and collectible by execution issued by order of the court.

Plaintiff's costs, lien.

SEC. 6. Any violation or disobedience of any injunction or order expressly provided for by this act shall be punished as a contempt of court by fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

Violation of injunction, contempt.

Fine, lien  
on building.

SEC. 7. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined therefor in any proceedings under this act, such fine shall be a lien upon such building and place to the extent of the interest of such person therein, enforceable and collectible by execution issued by order of the court.

"Person"  
defined.

SEC. 8. The term "person," as used in this act, shall be held to mean and include individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees.

### CHAPTER 133.

*An act to amend an act known as "the building and loan commission act," chapter 354, laws of 1911, approved April 5, 1911, and amended by an act approved December 18, 1911, by adding thereto a new section to be numbered nine a, relating to the powers and duties of the building and loan commissioner, fixing the grade and penalty for non-compliance with his orders, providing for the assistance of a peace officer to enforce his demands and fixing the grade of evidence required for the confirmation of his action.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

SECTION 1. The act known as "the building and loan commission act," approved April 5, 1911, and amended by an act approved December 18, 1911, is hereby amended by adding thereto a new section to be numbered nine a and to read as follows:

Non-compliance with orders of commission

9a. Whenever it shall become necessary for the commissioner to take action against any association because of unsafe practices and of conditions unsafe and hazardous to the public and to those having funds in its custody, as provided in section nine, the refusal of any officer or director to comply with his written demand for possession of the property and assets shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment; and if such demand be not complied with within twenty-four hours after service the commissioner may call to his assistance the sheriff of the county in which the principal place of business of such association is located, by written demand under his hand and official seal, whereupon it shall become the duty of such official to enforce the demands of the commissioner.

Penalty.

Sheriff must enforce demands.

CHAPTER 134.

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

[Approved April 28, 1915. In effect August 8, 1915.]

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

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

642a. Whenever an application for withdrawal of free shares or certificates shall have been on file, or the payment of matured shares demanded, and either shall have remained unpaid for a period of one year, all the receipts of the association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and general indebtedness, be applied toward the payment of withdrawals and maturities; and the board of directors or the official vested by law with powers of state supervision and license may direct that such payments shall be made upon a rateable and proportionate basis. Whenever such applications or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years the official vested by law with powers of state supervision and license may, in his discretion, forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him.

Receipts to be applied to demands unpaid for year.

Demands unpaid for two years, business may be taken over.

CHAPTER 135.

*An act to provide for and regulate primary elections and providing for the election of party committees, and to repeal the act providing for and regulating primary elections known as the direct primary law and approved June 16, 1913, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

SECTION 1. This act shall be known, and may be cited, as the "direct primary law."

"Direct primary law."

SEC. 2 The following terms when used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

1. The term "primary election" shall mean and include any and every primary nominating election held under the provisions of this act as distinguished from a final election.

Definitions.

Definitions.

2. The term "August primary election" shall mean the primary election held in August of each even-numbered year for the purpose of nominating candidates for office to be voted on at the ensuing November election.

3. The term "May presidential primary election" shall mean the primary election, held in May of each bissextile or leap year, for the purpose of enabling the qualified electors of the several political parties to express their preference for their respective party candidates for president of the United States through the election of delegates to national party conventions.

4. The term "final election" shall mean any election, held for the purpose of electing public officers, other than a primary election, recall election, or special election.

5. The term "November election" shall mean the general election held in November of each even-numbered year.

6. The term "congressional officer" shall mean and include a United States senator, a representative in the congress of the United States, and a congressional party committeeman. The term "congressional office" shall mean and include any office filled by a congressional officer.

7. The term "county" shall include a city and county.

8. The terms "political party" and "party" shall mean an organization of electors qualified as a political party in accordance with the provisions contained in section 5 of this act.

9. The term "congressional party committeeman" shall mean a member of the congressional party committee of any party, elected, or otherwise chosen, from each assembly district of the state.

10. The term "city clerk" shall mean the clerk or secretary of the legislative body of any city or municipality.

In counties  
having  
registrar.

SEC. 3. In every county and city and county in this state, having a registrar of voters, or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon county clerks and other officers, in relation to elections, shall be exercised and performed by such registrar of voters, or registrar of voters and board of election commissioners: and all nomination papers, list of candidates, expenses, and oaths of office, required by this statute to be filed with county clerks, shall be filed with the registrar of voters.

State  
election  
commis-  
sioner.

SEC. 4. If at any time there shall be created and established in this state the office of state election commissioner, then, and in that case, all functions required by this act to be performed in the office of the secretary of state shall be performed in the office of the state election commissioner, and all duties required by this act to be performed by the secretary of state shall be performed by the state election commissioner; and the words "state election commissioner" shall be understood to be meant wherever in this act the words "secretary of state" are used.

Political  
parties  
recognized.

SEC. 5. A political party shall be recognized as such, and shall be entitled to participate in a primary election, only

when, prior to the date of such primary election, it shall have complied with one or both of the following two conditions :

1. If it participated as a political party in the last preceding November election and any candidate nominated by it, and by no other political party, for any office voted on throughout the state polled at least three per cent of the entire vote of the state; or, providing no candidate nominated by it, and by no other political party, was voted on throughout the state at such election, if the total votes polled for all its candidates for representatives in congress within the state was equal to at least three per cent of the entire vote of the state.

First  
condition

2. If on or before the fiftieth day prior to any primary election, there shall be filed with the secretary of state a petition, setting forth the intention of the parties signing the same to form a political party and the name which they intend to adopt for such party, which name shall not be so similar to the name of an existing political party as to mislead voters. Such petition must be signed by registered qualified electors equal in number to at least three per cent of the entire vote of the state polled at the last preceding November election, and the signatures thereto certified by the county clerk of each county in which such electors are registered, and transmitted to the secretary of state substantially in the same manner as provided by this act for the signing, certification and transmission of nomination papers for state offices.

Second  
condition.

SEC. 6. All candidates for elective public offices, nominated under the provisions of this act, shall be nominated as follows :

Nomination  
of  
candidates

1. By direct vote at primary elections held in accordance with the provisions of this act: *provided*, that electors of president and vice president of the United States shall be nominated as provided in subdivision 2 of section 43 of this act; or,

2. By independent nomination in the manner provided by section 1188 of the Political Code (as said section was amended at the forty-first session of the legislature); *provided, however*, that no nomination shall be made under the provisions of said section 1188, except in the case of congressional offices, for any office for which a nomination has been made at a primary election; and *provided, further*, that any person whose nomination paper has been filed and who has had his name printed as candidate for nomination for any congressional office upon the official ballot at a primary election, and who, at such primary election, was not nominated for such office, shall be ineligible for nomination, under the provisions of said section 1188, for the same office at the ensuing final election. But a failure of any person to secure a nomination for a congressional office by one political party shall not deprive such person of a nomination at such primary by another political party for the same office.

SEC. 7. The provisions of this act shall not apply to the nomination of candidates to be voted upon at a special election

Nomination  
for special  
and recall  
elections.

to fill vacancies or at a recall election; or to the nomination of candidates for any municipal or county office, where the charter of such municipality or county provides a system for the nomination of such candidates; or to the nomination of candidates for office in any political district not formed for municipal purposes and other than a township; or to the nomination of freeholders to be elected for the purpose of framing a charter; or to the nomination of candidates for office in cities of the sixth class; or to the nomination of school district officers

August  
primary.

SEC. 8. The August primary election shall be held throughout the state at the legally designated polling place in each precinct therein, on the last Tuesday in August of each even-numbered year for the purpose of nominating candidates for office to be voted for at the next ensuing November election, and of electing members of the congressional party committee of each political party participating in such primary election, one member of which committee shall be elected at such primary election from each assembly district in the state. At least forty days prior to the time of holding each August primary election, the secretary of state shall certify to each county clerk the offices for which candidates are to be nominated at such August primary election and the names of the political parties qualified to participate therein. Within ten days after the receipt of such certificate each county clerk shall publish so much thereof as may be applicable to the particular county, once a week for two successive weeks in not more than two newspapers of general circulation published and circulated in such county.

Legal  
holidays.

SEC. 9. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section ten of the Political Code. Any person entitled to vote at such August primary election or May presidential primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages

Time of  
holding  
primaries  
other  
than  
August

SEC. 10. Whenever any public officials are to be elected in any political subdivision of the state at an election other than the November election and such candidates are required to be nominated, or may be nominated, at a primary election held under the provisions of this act, such primary election shall be held throughout such political subdivision on the Tuesday three weeks next preceding the final election. The city clerk of such political subdivision shall give notice of such primary election by one publication thereof, in a newspaper of general circulation to be designated by the governing body of such political subdivision for that purpose

Such publication shall be made not more than forty and not less than twenty-five days before such primary election. Such notice shall contain a complete statement of the offices for which candidates are to be nominated, the date of the holding of such primary election, the numbers or names (but not the boundaries) of voting precincts and the location of the polling places.

SEC. 11. The name of a candidate shall not be printed upon an official ballot to be used at any primary election unless at least forty days prior to such election, if the election be the August primary election or the May presidential primary election, or at least twenty-five days prior to any other primary election held under the provisions of this act, a nomination paper nominating such candidate shall have been prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, in the manner provided by this act; and unless such candidate shall file, in the same office where his nomination paper is required to be filed, and prior to the expiration of the time within which such nomination paper may be filed, his affidavit stating his name and residence, with the name of the street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the office for which he seeks to be nominated; that if nominated at such primary election he will accept such nomination and will not withdraw and that he will qualify as such officer if nominated and elected.

Method of getting name on ballot.

SEC. 12. All signatures to the nomination paper of a candidate must be verified by a verification deputy who shall be a registered qualified elector, appointed in the manner provided by this section. If the candidate is a candidate at a municipal primary election, such verification deputy must reside in the municipality within which such election is to be held and may serve only within such municipality, and a certificate of his appointment must be filed with the city clerk of such municipality. If the candidate is a candidate at any other primary election such verification deputy may serve anywhere within the county in which he resides, and a certificate of the appointment must be filed with the county clerk of such county. Verification deputies may be appointed at any time, and from time to time, but only in the following manner:

Verification deputies

1. A candidate may appoint one or more of such verification deputies by filing with the proper officer a certificate of appointment, containing the name and residence of the candidate and the office for which he seeks to be nominated, and the names and residences of such verification deputies, which certificate shall be in substantially the following form:

CANDIDATE'S APPOINTMENT OF VERIFICATION DEPUTIES.

I, the undersigned, a candidate for nomination for the office of \_\_\_\_\_, which nomination is to be made by direct vote at a primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

Form of document

do hereby appoint the following registered qualified electors of the (county) of \_\_\_\_\_, as verification deputies to obtain signatures in said (county) to a nomination paper placing me in nomination as a candidate for said office of \_\_\_\_\_.

VERIFICATION DEPUTIES.

<i>Names.</i>	<i>Residence.</i>
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

etc.

etc.

(Signature) -----

(Residence) -----

If the candidate is a candidate for an office to be voted upon in more than one county, he may appoint verification deputies in each county in which he may desire his nomination paper to be circulated.

Five electors may propose candidate

2. As an alternative to, or in addition to, the candidate's appointment of verification deputies, the following method of appointment may be employed:

Any five registered qualified electors of the county, or of the municipality, if desiring to propose a candidate to be voted upon at a primary election, may jointly propose such candidate and appoint verification deputies by filing with the proper officer a certificate of appointment, verified by each of said electors, containing the name and residence of the candidate, the names and residences of the signers thereof and of the verification deputies, and a statement that the candidate therein named has consented to be thus proposed, which certificate shall be in substantially the following form:

ELECTORS' APPOINTMENT OF VERIFICATION DEPUTIES

Form of document

STATE OF CALIFORNIA, }  
County of \_\_\_\_\_ } ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the (county) of \_\_\_\_\_, State of California, and we do hereby propose \_\_\_\_\_, whose residence is \_\_\_\_\_ (county) of \_\_\_\_\_, as a candidate for nomination for the office of \_\_\_\_\_, to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_; and we do solemnly swear (or affirm) that said \_\_\_\_\_ has consented to this proposal of his name as candidate for nomination for said office. We hereby appoint the following registered qualified electors as verification deputies to obtain signatures in this (county) to the nomination paper of said \_\_\_\_\_ to said office of \_\_\_\_\_:

VERIFICATION DEPUTIES.

<i>Names.</i>	<i>Residence.</i>
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
etc.	etc.
(Signed) .	

<i>Names.</i>	<i>Residence.</i>
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

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

[SEAL] -----  
Notary public (or other official).

If the candidate is a candidate for an office to be voted upon in more than one county, he may, in like manner, be proposed for nomination, and verification deputies may be appointed, by the joint action of five registered qualified electors resident in each county in which such electors may desire to circulate a nomination paper in his behalf.

3. When verification deputies have been appointed by either of the two methods set out in section 12 of this act, verification deputies shall not be appointed in behalf of the same candidate for the same office by the other method; *provided, however,* that in case verification deputies shall have been appointed contrary to this provision the candidate in whose behalf said verification deputies have been appointed shall elect which of the two methods shall be followed and only the signatures secured by the verification deputies by the method so elected by such candidate shall be received and filed as provided in this act; *and provided, further,* that in the case of a candidate for congressional office the above provision shall not prevent the appointment of verification deputies to secure signatures to a nomination paper in one party by one method and to secure signatures to a nomination paper in another party by the other method set out in said section 12 nor affect the validity of such signatures so secured.

4. If the candidate is proposed as a candidate for nomination for a congressional office or the office of delegate to a national party convention, there shall be inserted in the form prescribed in both subdivision 1 and subdivision 2 of this section, immediately above and preceding the heading "Verification deputies," the following paragraph:

The nomination herein referred to is the nomination as candidate of the ----- party.

If the form prescribed by subdivision 2 of this section be used there shall also be inserted therein immediately following said paragraph the following declaration :

We each do hereby declare it our intention to affiliate with said ----- party at said primary election.

If the candidate is proposed as a candidate for congressional party committeeman or delegate to a national party convention, the words "nomination" and "nomination for" in both subdivision 1 and subdivision 2 of this section shall be changed, where necessary, to "election" and "election to."

No  
reference to  
political  
party

Except in the case of a congressional office or the office of delegate to a national party convention, no reference to any political party shall be required or made in any certificate appointing the verification deputies for any candidate, nor, except in the case of a candidate for congressional office, the office of presidential elector, or the office of delegate to a national party convention, shall any candidate for any office be the candidate of any political party; and other than those candidates nominated by political parties as herein excepted, the candidates nominated by electors for all offices shall be non-partisan candidates, and the offices for which they are nominated shall be non-partisan offices.

In case of  
municipal  
office

5. When the primary election is an election for the nomination of municipal officers, the word "city" (or "town") should be substituted for the word "county" in both subdivision 1 and subdivision 2 of this section.

Nomination  
papers  
may be  
presented  
in  
sections

Sec. 13. The nomination paper of a candidate to be voted upon at a primary election may be presented and filed in sections. Each section shall contain the name and residence of the candidate; the name of the county and also the name of the city, if any, within which it is circulated; and the name of the office for which the candidate is proposed for nomination.

Contents of  
nomination  
paper.

Each nomination paper shall contain a statement that each signer thereof intends to support the candidate named therein for such nomination; and, in the presence of the verification deputy, each signer shall write his name, residence (with street and number, if any), and the date of his signature. The name or number of his election precinct shall also appear on the nomination paper just preceding his name, and, if not written thereon by the signer, may be added by any person subsequent to the time of signing and before the nomination paper is filed. Each section of the nomination paper shall be prepared with the lines for signature numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to such section were made in his presence, and that, to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. Such affidavit shall be verified free of charge by

any officer authorized to administer an oath. Each section and affidavit shall be in substantially the following form:

(FORM OF NOMINATION PAPER.)

County of \_\_\_\_\_ city (or town) of \_\_\_\_\_ (if any) Form of each section  
 Nomination paper of \_\_\_\_\_, candidate for nomination for the office of \_\_\_\_\_.

STATE OF CALIFORNIA, }  
 County of \_\_\_\_\_ } ss.

(SIGNER'S STATEMENT.)

I, one of the undersigned, a qualified elector of (the city [or town] of \_\_\_\_\_) county of \_\_\_\_\_, State of California, hereby nominate \_\_\_\_\_ who resides at No. \_\_\_\_\_ street, (if any), city of \_\_\_\_\_ (if any), county of \_\_\_\_\_, State of California, as a candidate for nomination for the office of \_\_\_\_\_ to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. I have not signed the nomination paper of more candidates for such office than are to be elected thereto, and I further declare that I intend to support for such nomination the candidate named herein.

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

VERIFICATION DEPUTY'S AFFIDAVIT.

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been appointed according to the provisions of the direct primary law, as a verification deputy to secure signatures in (the county of \_\_\_\_\_) to the nomination paper of \_\_\_\_\_, as candidate for nomination for the office of \_\_\_\_\_; that all the signatures on this section of said nomination paper, numbered from 1 to \_\_, inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be. Deputy's affidavit.

(Signed) \_\_\_\_\_  
 Verification Deputy.

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

[SEAL.] \_\_\_\_\_  
 Notary Public (or other official).

If the candidate is proposed as a candidate for nomination for a congressional office or for the office of delegate to a national party convention, in each of the three places in the In case of congressional office, etc

form of the nomination paper where the words "candidate for nomination" occur, there shall be inserted, between the word "for" and the word "nomination," the words "the ----- party"; and, in case of such candidate for nomination for a congressional office, just before the list of signatures insert the words, "I furthermore declare that I intend to affiliate with said ----- party at the next ensuing primary election, and that I have not signed the nomination paper of this candidate, or any other candidate for congressional office, as candidate of any other party at such primary election." If the candidate is proposed as a candidate for congressional party committeeman or delegate to a national party convention, in each of said three places the words "nomination for" shall be changed to the words "election to;" and the word "nomination" next preceding the list of signers shall be changed to the word "election."

Who may  
sign  
nomination  
papers

SEC. 14. Nomination papers of a candidate may be signed only by registered qualified electors entitled to vote for such candidate at the ensuing primary election and no such elector shall sign the papers of more candidates to such office than are to be elected thereto. Any section of a nomination paper signed by electors residing within any incorporated city shall not be signed by electors residing outside of such incorporated city. Any section of a nominating paper signed by electors residing outside of an incorporated city shall not be signed by electors residing within an incorporated city.

Time of  
obtaining  
signatures

SEC. 15. Signatures to the nomination paper of a candidate to be voted upon for any office at the May presidential primary election or the August primary election, may be obtained at any time not more than seventy days or less than forty days next preceding such primary election. Signatures to the nomination paper of a candidate to be voted upon for any office at any other primary election held under the provisions of this act, may be obtained at any time not more than forty days or less than twenty-five days next preceding such primary election.

Persons  
who may  
not verify  
signatures.

The verification of signatures to nomination papers shall not be made by the candidate, or by any county clerk, or registrar of voters, or by any of the deputies in the office of such county clerk or registrar of voters, nor shall any such nomination papers be signed within one hundred feet of any place where registration of electors is being conducted.

A nomination paper verified as provided by this section shall be prima facie evidence that each signature thereto appended is genuine and that the person signing the same is a registered qualified elector, unless such signature is marked "not sufficient," as provided for in section 17 of this act.

If the candidate is proposed as a candidate for a congressional office, or the office of delegate to a national party convention, each section of his nomination paper shall contain the name of the political party whose nomination is sought;

but in no other instance shall a nomination paper contain the name of, or reference to, any political party. A candidate for nomination for a congressional office (except the office of congressional party committeeman) may be proposed as the candidate of more than one political party, and shall be entitled to have his name printed upon the official primary ballot as the candidate of each political party in which he is proposed as a candidate in the manner provided by this act, but no person shall be entitled to become a candidate for more than one office at the same election, except for a short, or unexpired, term and a full term for the same office.

Papers not to contain names of political parties

SEC. 16. The required number of signatures upon a nomination paper shall be as follows:

Number of signatures required

1. If the candidate is proposed as the candidate of a political party for a congressional office, or the office of delegate to a national party convention, the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled for such party's candidate for United States senator, at the last preceding November election at which a United States senator was elected, in the state or in that political subdivision for which the candidate is proposed for nomination. Such party's candidate for United States senator may have been the candidate, either of the party alone, or of the party in conjunction with one or more other parties. But if such political party did not have any candidate for United States senator at such last preceding November election at which a United States senator was elected, the nomination paper must be signed by not less than one-half of one per cent nor more than two per cent of the total vote polled for all the candidates for United States senator, at such last preceding November election in the state or political subdivision for which the candidate is proposed for nomination.

2. If the candidate is proposed as a candidate for nomination for any office except a congressional office, or the office of delegate to a national party convention, he shall not be proposed as the candidate of any political party, and the nomination paper of such candidate must be signed by not less than one-half of one per cent nor more than two per cent of the vote polled by the candidate who was elected governor, at the last preceding election at which a governor was elected, in the state or political subdivision for which the candidate is proposed for nomination.

SEC. 17. Each section of the nomination paper of any candidate, after being verified, shall be returned by the verification deputy, if he was appointed by such candidate, to the candidate, or to some one designated by him; or, if he was not appointed by such candidate, to one of the five electors by whom he was appointed. The sections of said nomination paper shall thereupon be fastened or bound together by cities or towns or outside territory in the county not included in any city or town, substantially in the manner required for

Nomination papers to be returned to candidate

the binding of affidavits of registration by the provisions of section 1113 of the Political Code.

May be  
fastened  
together.

The nomination papers of candidates to be voted for in more than one county or throughout the entire state, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. All nomination papers which by the provisions of this act are required to be filed in the office of the secretary of state shall be delivered for examination to the county clerk of the county in which the signatures to such nomination papers were obtained, at least forty days prior to the August primary election or the May presidential primary election. The county clerk shall thereupon examine the signatures upon such nomination papers and shall disregard and mark "not sufficient" any signature appearing on such nomination paper of a person who is not registered or whose signature upon the nomination paper is not in the same handwriting as the signature upon the affidavit of registration of such person on file in the office of the county clerk. Thereupon the county clerk shall attach to such nomination paper a certificate reciting that he has examined said nomination paper and stating as "sufficient" the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided, and shall, within five days after the receipt by him of such nomination paper, forward it with such certificate attached, to the secretary of state, who shall receive and file the same. The delivery of a nomination paper to a county clerk shall entitle the candidate to have all signatures thereon found to be "sufficient" counted in determining the total number of signatures to be credited to such candidate as entitling him to a place on the primary ballot; and no default on the part of the county clerk, secretary of state, or other officer shall affect the right of any candidate to have all "sufficient" signatures considered in determining his right to have his name go upon the primary ballot. The county clerk shall in substantially the manner above provided examine the signatures to all other nomination papers which shall be delivered to him for examination under the provisions of this act and certify to the signatures thereto and to the result of such examination and shall within ten days after the receipt by him of any such nomination papers required by this act to be filed in his office so file the same with such certificate attached and within five days after the receipt by him of any nomination paper required by this act to be filed in the office of the city clerk of any municipality forward it with such certificate attached to the city clerk of such city. All nomination papers required to be filed either in the office of the secretary of state or in the office of the county clerk or city clerk shall be filed within ten days of the day on which they were left for examination, as provided in section 11 of this act

County  
clerk to  
examine  
signatures

Time of  
filing

SEC. 18. Whenever the boundaries of any political subdivision of the state are legally changed, the vote polled by each party in each of the new political subdivisions for United States senator, and the vote polled in each of the new political subdivisions by the candidate who was elected governor, as provided in section 16, shall be determined as follows:

Change of boundaries, determination of vote.

1. If the change occurs wholly within any county, the county clerk of such county shall determine as nearly as possible the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in the precincts combined to form such new political subdivision.

2. If the change does not occur wholly within the limits of any county, the secretary of state shall determine the total of such vote for governor, and the total of each of such party votes for United States senator, in the new political subdivision, by totaling the vote polled for each of such officers in that portion of the original county or counties comprising such new political subdivision.

SEC. 19. All nomination papers required to be filed by this act shall be filed as follows:

Place of filing

1. For state officers (including members of the state board of equalization), congressional officers (including congressional party committeemen), delegates to a national party convention, members of the state senate and assembly, and all other officers voted for in districts comprising more than one county, in the office of the secretary of state

2. For officers to be voted for wholly within one county, except as otherwise provided, in the office of the county clerk of such county.

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

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to the maximum number permitted by this act, the officer with whom such papers are required to be filed shall not file further sections.

SEC. 20. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all candidates for whom the same are filed, the name of the office, the party, if any, and the date of filing. No more signatures shall be secured to any nomination paper in excess of one per cent beyond the maximum per cent permitted by this act.

Record of nomination papers

SEC. 21. The following filing fees shall be paid by the candidate, except as provided in subdivision 6 of this section.

Filing fees

1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate, except as otherwise provided by this section

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

assembly, to be voted for in any district comprising more than one county.

Filing fees.

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

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

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

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office (including the office of congressional party committeeman), to the holder of which no fixed compensation is paid, or for any office except that of state senator or assemblyman, the fixed compensation to the incumbent of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, or city clerk, place the name of any candidate on the ballot or certify any such name to be placed thereon until the requisite filing fee has first been paid, but the county clerk shall, notwithstanding the provisions of this subdivision, examine the signatures to all nomination papers presented to him under the provisions of this act and certify the result of such examination as required by the provisions of section 17 of this act.

8. When a person who has not filed a nomination paper is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his nomination paper had been filed; otherwise his name must not be printed on the ballot at the ensuing final election.

9. When a candidate for nomination to a congressional office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a nomination paper for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his nomination paper for such other party had been filed; otherwise he shall not be credited with the nomination of such other party on the ballot at the ensuing final election.

10. The secretary of state, county clerk or city clerk with whom the nomination papers of any candidate are filed pursuant to the provisions of this act shall, if the same be found sufficient, unless the filing fee therefor has been paid, forthwith notify such candidate in writing of the filing of such nomination papers and demand payment of the required filing fee.

SEC 22. The county clerk shall immediately pay to the county treasurer all fees received from candidates. The city clerk shall immediately pay to the city treasurer all fees

Clerk to  
pay fees to  
treasurer

received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

SEC. 23. The expense of providing all ballots, blanks, rubber stamps and other supplies necessary to be used at any primary election according to the provisions of this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Expense of primary

SEC 24 At least thirty days before any August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state, who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and, if a candidate for congressional office, or the office of delegate to a national party convention, the name of the party in which he is proposed as candidate. Such county clerk shall forthwith, upon receipt thereof, publish a notice setting forth, under the proper party designation, the title of each congressional office and of the office of delegate to a national party convention which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the titles of all other offices together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk, which notice shall state that candidates for offices may be voted for at the primary election by any registered, qualified elector of the county. Such notice shall also set forth the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling place in each precinct, which shall be particularly designated. It shall be the duty of the county clerk to cause such publication to be made once each week for two successive weeks prior to said primary election. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county.

Secretary of state to transmit list of nominees.

Publication by clerk

Ballots

SEC. 25. All voting at primary elections shall be by ballot. On all ballots to be voted at an August primary election, the first column (or the first two columns when the first column alone is insufficient) shall be reserved for congressional offices, the names of candidates for each of such offices being printed under the proper party designation of the party in which such candidates are proposed for nomination. Every political party entitled to participate in the August primary election shall appear in this first column (or these first two columns) provided such party has any candidate for any congressional office whose nomination paper has been filed according to the provisions of this act. The order of the congressional offices under each party designation shall be as follows: first, United States senator (if any); next, representative in congress; and last, congressional party committeeman. The party which shall appear at the head of this first column shall be the party whose candidate for United States senator received the largest vote at the last preceding November election at which a United States senator was elected. The party which shall appear next shall be the party whose candidate for United States senator received the second largest vote at such November election, and so on for all the parties qualified to participate in such primary election. Each elector shall be entitled to vote for the candidates for congressional offices who are proposed for nomination in that party with which he shall declare his affiliation at the time he receives his ballot, and for no other candidates for such offices except as he may write in the names of such other candidates in the blanks provided for that purpose. If he does not express a desire to affiliate with any party he shall not be entitled to vote at such primary election for the nomination of any candidates for congressional offices. For all candidates to be voted for at such primary election, except candidates for congressional offices, the elector shall vote without regard to party.

Clerk to  
provide  
ballot

SEC. 26. It shall be the duty of the county clerk of each county to provide printed official ballots to be used at any August primary election or May presidential primary election. It shall be the duty of the city clerk to provide printed official ballots for any primary election held within the municipality of which he is an officer for the purpose of nominating candidates to be voted on therein at a municipal election. Such official ballots shall be printed upon official paper furnished in the manner provided by section 1196 of the Political Code, and such ballots to be used at any August primary election, shall be in the form hereinafter provided. The names of all candidates for the respective offices for whom nomination papers have been duly filed shall be printed thereon.

Ballot  
paperHow  
printed

SEC. 27. 1. Across the top of the primary election ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot," providing that on any primary ballot less than four columns in width said words may be printed in heavy faced gothic capital type not smaller than twenty-four point.

2. Beneath the heading "Official primary election ballot," shall appear in heavy faced gothic capital type, the name of the county in which the ballot is being used; and at least three-eighths of an inch below the name of the county shall appear the supervisorial district, providing there are no more than five assembly districts in the county, or the assembly district, providing there are more than five assembly districts in the county; the word "district" to be followed in either case by a semicolon and the date of the primary election. At least three-eighths of an inch below the district designation and the date of the primary election shall be printed in ten-point black gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name. Vote for congressional candidates of that party only which is not marked 'cancelled' by the election officer."

Political subdivisions

Instructions to voters, etc.

3. The instructions to voters shall be separated from the lists of candidates by one heavy and one light line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in parallel columns, each two and one-half inches wide. The first column of the ballot (or the first two columns, as the case may be), shall contain the groups of names of candidates for congressional offices, arranged under their various party designations as provided in section 25 of this act, and the first column shall be headed by the word "CONGRESSIONAL." The party tickets of the several political parties shall be separated from one another by a blank space of not less than one inch. The names of the political parties shall be printed in ten-point black gothic capital type. To the right of this first column (or these first two columns, as the case may be) shall be a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence for the columns to the right of this solid black line shall be as follows, that is to say: In the first column to the right of the solid black line, under the heading STATE shall be printed the groups of names of candidates for state offices, (except judicial and school offices), including members of the state board of equalization. Next, under the heading LEGISLATIVE shall be printed the groups of names for state senator, if any, and for member of the assembly. Under the heading JUDICIAL shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court, justice of the peace and other

Arrangement of party tickets

judicial officers, if any. Next, under the heading SCHOOL shall be printed all the names of candidates for school offices in the order of state superintendent of instruction and superintendent of schools. Next, under the heading COUNTY shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where nominations are to be made for only a portion of these offices, at the right of the solid black dividing line there may be only one column. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

Grouping of  
candidates'  
names

4 The group of names of candidates for nomination for any office except a congressional office shall include all the names receiving the requisite number of signatures on nomination papers for such office; but the groups of names of candidates for congressional offices appearing on the ballots under the head of each political party shall comprise only the names of candidates for nomination by such party. If any candidate is nominated to fill out a short term office as distinguished from another candidate on the same ballot nominated for a full term of the same office, the words "short term" or "full term," as the case may be, shall be printed below the title of such offices on the ballot, preceding the respective groups of names of candidates.

Order of  
candidates  
on ballot.

SEC. 28. The order in which the names of candidates for any office shall appear upon the primary election ballot to be used at any election held under the provisions of this act other than the May presidential primary election shall be determined as follows:

1. If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman or congressional party committeeman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be

voted on; and thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names of candidates as required by this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions, and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, or congressional party committeeman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Order of candidates on ballot

2. If the office is an office to be voted on throughout but wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, or congressional party committeeman, the county clerk shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; *provided*, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the county clerk shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

3. If the office is that of state senator or assemblyman or congressional party committeeman, or any office except the office of representative in congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

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

SEC. 29. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in this act, the county clerk shall publish the names

Order of publication of names and addresses.

in the order in which they will appear upon the ballot; *provided*, that in counties or cities and counties containing more than five assembly districts the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order, and that, in all other counties, the order shall be that of the first supervisorial district.

Group of candidates to be preceded by designation of office.

SEC. 30. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for one" or "Vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten-point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for one" or "Vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Printing names of candidates.

SEC. 31. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight-point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "CONGRESSIONAL," "STATE," "LEGISLATIVE," "JUDICIAL," "SCHOOL," "COUNTY," or "MUNICIPAL" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve-point. All official primary election ballots to be used at any August primary election shall have printed on the back and immediately below the center thereof, in eighteen-point gothic capital type, the words "Official primary election ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. If there are no more than five assembly districts in the county, there shall also be added the name of the supervisorial district and of the county, as follows: "----- supervisorial district of ----- county." The ballot shall be printed on a single leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the

Printing on back of ballot.

Perforated line.

ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; *provided*, that the sequence of numbers on such official ballots and stubs shall begin with the number one. The official ballots shall be made up in stub books, each book to contain ten, or some multiple of ten ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

[Face of ballot on insert.]

SEC. 32. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in every county or city and county shall prepare sample ballots, placing thereon in the order provided by law, and under the appropriate title of each office, the names of all candidates for whom nomination papers with the requisite number of "sufficient" signatures have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different color and texture from the paper to be used on the official ballot, and shall be mailed to each voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than twenty nor less than seven days before the election. The county clerk, on or before the first day on which sample ballots are mailed to the voters, shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk shall cause the official ballot to be printed as provided in section 26 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable the provisions of this act shall apply to the nomination of all candidates for city offices.

SEC. 33. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; *provided, however*, that if at the hour of closing there are any voters in the polling place,

Number

Form

Sample ballots

Mailed to voters.

Official ballots.

In cities

Polls open  
6 a m to  
7 p m



or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Election  
officers.

SEC. 34. The officers for primary elections shall be the same in number, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Challenge  
of voter.

SEC. 35. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the congressional primary election ticket of the political party with which, on receiving his ballot, he declares his intention to affiliate, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state, except on the ground of his having previously declared his intention to affiliate with another political party at such primary election, such declaration having been expressed at the time of his signing the nomination paper of a candidate of such other party.

Qualified  
electors  
may vote.

SEC. 36. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinabove provided; and on writing his name or having it written for him on the roster, as provided by law for general elections in this state, he shall likewise write or have written upon the roster the name of the political party with which he intends to affiliate in voting for candidates for congressional offices at the next ensuing November election. He shall then, in an audible tone of voice, declare to the election officer from whom he receives his ballot the name of such political party with which he intends to affiliate, and the clerk whose duty it is, according to law, to write opposite the name of the elector the number of the ticket given him, shall also write opposite

his name the name of said political party with which the elector declares it his intention to affiliate. At the August primary election, the election officer having charge of the ballots, before giving him his ballot, shall write with ink, or, with a stamp provided for the purpose, stamp the word "CANCELLED" across the names of candidates for congressional offices printed under the name of all the political parties except that with which the elector thus declares his intention to affiliate, and the elector shall be entitled to vote only for candidates for nomination to congressional offices printed or written in under the name of such party as is not thus marked "CANCELLED." If the voter does not express a desire to affiliate with any party, he need not write, or declare, or have written the name of any political party, and in such case the election officer shall write or stamp the word "CANCELLED" across the names of all candidates for nomination to congressional offices, and the elector shall not be entitled to vote for any such candidates. No one shall be entitled to vote at any primary election who has not been a resident of the state one year, of the county ninety days, and of the precinct thirty days, next preceding the day upon which such primary election is held. The voter shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

SEC. 37. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate or group of candidates for whom he wishes to vote; or he may vote for a person whose name is not printed on the ballot by writing the name of such person in a blank space provided therefor, which name so written may or may not be followed by a cross stamped or otherwise made. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced.

Designating  
choice.

SEC. 38. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only such printed designation as the law may require to appear on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the affidavit of registration as having voted.

Folding  
ballot.

No inter-  
mission  
between  
closing of  
polls and  
counting  
of votes.

SEC. 39. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than two members of the board shall at any time be absent from the polling place.

Canvass  
of votes

SEC. 40. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1211, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1264a, 1265, 1266, 1267, and 1268 of the Political Code of this state. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count all the votes on all the ballots, and record the same on the tally lists provided for that purpose.

Canvass of  
returns

SEC. 41. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for nomination for a congressional office, or for the office of delegate to a national party convention and also for each candidate for nomination for any other office. The clerk shall also make a duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county.

Declaration  
of result

Returns to  
secretary of  
state.

The county clerk shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, congressional party committee, representatives in congress, members of the state board of equalization, judicial officers (except justices of the peace), and as to all persons voted for at the May presidential primary election. The secretary of state shall, not later than the twenty-first day after any primary election, compile the returns for all candidates voted for in more than one county,

Secretary  
of state to  
compile  
returns

and for all candidates for the assembly, state senate, congressional party committee, representatives in congress, state board of equalization, and judicial offices (except justices of the peace), and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

SEC. 42. The name of the person in each political party who receives at a primary election the highest number of votes for a congressional office shall be placed on the official ballot as the candidate of such political party for such office, except in the case of a candidate for congressional party committeeman, in which case such person shall be elected to the office. In the case of all other offices, except the office of delegate to a national party convention, the candidates equal in number to twice the number to be elected to such office (or less, if the total number of candidates is less than twice the number of offices to be filled) who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; *provided, however*, that in case there is but one person to be elected at the November election to any office not a congressional office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; *and provided, further*, that in case there are two or more persons to be elected at the November election to any office not a congressional office, and in case any candidates for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the state or political subdivision in which said office is voted upon (such candidates being herein designated as "majority candidates"), said "majority candidates" shall, if their number is not less than the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; and if the number of such "majority candidates" falls short of the number of persons to be elected to such office, the names of said "majority candidates" shall be printed on the ballot at the ensuing November election, together with such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number to be elected to such office less twice the number of "majority candidates" (or a smaller number, if the list of said other candidates is exhausted); *and provided, also*, that no person

Names which go on ballot for election.

whose name has been written in upon any ballot or ballots for any office at any primary election, shall have his name placed upon the ballot as a candidate for such office at the ensuing general election, unless at such primary election he shall have received for such office written-in votes equal in number to the minimum number of signatures which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office, and unless he has paid the filing fee as required in subdivision 8 of section 21 of this act. But this provision shall not prevent a candidate not otherwise disqualified from becoming a candidate, under the provisions of section 1188 of the Political Code, for an office for which nominations may be made under said section 1188 as provided in subdivision 2 of section 6 of this act. It shall be the duty of the officers charged with the canvass of the returns of any primary election held under the provisions of this act in any county or municipality to cause to be issued official certificates of nomination to such candidates as have their nomination papers filed in accordance with the provisions of this act, and who shall be entitled to such certificates of nomination according to the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly, members of the state board of equalization and officers voted for in more than one county; and to issue certificates of election to congressional party committeemen and to all persons elected at the May presidential primary election as delegates to their respective national party conventions. Not less than thirty days before the November election the secretary of state shall certify to the county clerks of each county within the state the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office, under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 41 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee for a congressional office or for the office of elector of president and vice president of the United States, the name of the political party which has nominated such person, and the designation of the office for which he is so nominated.

Certificates  
of  
nomination

List of  
persons  
entitled to  
receive  
votes.

Congressional party  
committee.

Organization

SEC 43. A congressional party committee may be organized by each political party, for the purpose of promulgating party platforms as to national issues, and of transacting such other business of the party as is not inconsistent with the provisions of this act, as follows:

1. The candidates of each political party who have received their party nomination for representatives in congress from the several congressional districts, and for United

States senator, if any, shall meet in separate party conferences at the state capitol on the second Saturday in September after the date on which any August primary election is held preliminary to the general November election. The members of each of these conferences shall proceed to name a congressional party committeeman for their party for each assembly district of the state which did not elect such congressional party committeeman at the primary election. Said members of each of these conferences shall also appoint a date, which shall be no more than fifteen days thereafter, and a meeting place, on which date and at which meeting place members of the new congressional party committee of their party shall meet in convention. Said members of each of these conferences shall be ex officio members of the congressional party committee of their party, and as such may participate with said committee in said convention. Said congressional party committee shall continue to act for their party until a new congressional party committee shall have been chosen; and, until the primary election to be held in August, 1916, each party shall be represented by its state central committee, as organized under the provisions of that direct primary law which was approved June 16, 1913.

2. At their convention the members of the congressional party committee may promulgate a party platform as to national party issues, and as such issues may affect the approaching congressional or presidential election. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballot at the ensuing November election. Party platforms.

3. Each such congressional party committee shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. It may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties, including the naming, if desired, of auxiliary county committees. Officers.

SEC. 44. In case, as a result of any primary election held under the provisions of this act, a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may not less than thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his Candidates who filed no papers may withdraw names.

request therefor in writing, signed by him and duly acknowledged, and no name so withdrawn shall be printed on the election ballot for the ensuing final election. The vacancy created by the withdrawal of such person as aforesaid shall not be filled. In the case of all other vacancies occurring after the holding of any primary election that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot shall go upon said ballot to fill said vacancy; *provided, however*, that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election (if there were such number) shall be placed upon the ballot for the November election.

Filling  
vacancies  
in other  
cases.

Tie vote

SEC. 45. In case of a tie vote, if for an office to be voted for wholly within one county the county, city and county or city board charged by law with the duty of canvassing the vote at the election, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Correction  
of error or  
omission.

SEC. 46. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred, or is about to occur, in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Contest of  
nomination.

SEC. 47. Any candidate at a primary election held under the provisions of this act, desiring to contest a nomination of another candidate for the same office, may, within four days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct

or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, only upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must send by registered mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the contestee, such contestee may file with the county clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the contestee shall be considered, and a recount had with reference to all of said precincts; and the contestant shall have the same right to answer the affidavit of the contestee as is given to the contestee herein with reference to the affidavit of the contestant except that such answer must be filed not later than the first day of the trial of said contest. On the eighth day after the completion of the official canvass the county clerk shall present the affidavits of the contestant and the contestee and proof of posting, as aforesaid, to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department

Affidavit.

Copy  
mailed  
to contestee.

Time and  
place of  
hearing.

No  
demurrer

Additional  
judges.

Recount  
of votes.

by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose except as herein provided shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the parties in any other manner than by answer, and all the objections must be contained in the answer. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed to hear and determine the contest with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the final election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be

the same as in contested elections, and the judge shall fix the pay or compensation for such persons, and require the payment each day in advance of the amount thereof, by the person who is proceeding with and requiring the recount of the precinct being recounted. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section forty-seven of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county in which a contest may be had shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith. If the office contested is one to be voted upon in more than one county, the time within which such contest may be brought in any county involved shall begin to run at the time of the declaration of the official canvass by the board of supervisors of the county last making such declaration.

Decision.

No appeal

When contest may be brought.

Sec. 48. No candidate for nomination to any elective office shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

Campaign expenses

1. For the candidate's official filing fee.
2. For the preparing, printing, and circulating of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.

9. For clerk hire.

10. For conveying infirm or disabled voters to and from the polls.

11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Verified  
statement  
of expense,  
etc.

SEC. 49. Every person who shall be a candidate for nomination to any elective office, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 48 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer for the verifying, filing, or recording of such statements or a copy thereof.

With  
whom  
filed

Penalty.

SEC. 50. Any person violating any of the provisions of section 48 or section 49 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Bribes.

SEC. 51. 1 Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more

Penalty.

than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Failure to file nomination papers.

Penalty.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply with equal force to primary elections as provided for by this act.

Other offenses.

SEC. 52. It shall be the duty of the secretary of state and the attorney general to prepare on or before January 1, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Secretary of state to prepare forms.

SEC. 53. This statute shall be liberally construed, so that the real will of the people shall not be defeated by any informality in respect to carrying out all the provisions of this law.

Construction of act.

SEC. 54. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality of act.

SEC. 55. The act approved June 16, 1913, known as the direct primary law, is hereby repealed, and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

Repealed

## CHAPTER 136.

*An act to amend section 1197 of the Political Code, relating to form of ballots.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

SECTION 1. Section 1197 of the Political Code is hereby amended to read as follows:

One form  
of ballot.

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

Order of  
list of  
officers.

2. The order in which the list of officers shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall, as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

Officers  
voted  
for  
throughout  
state.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter, for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however*, that the names of candidates for the office of electors for president and vice president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the other groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross

Presidential  
electors

Voting  
space.

(X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "A cross (X) stamped in this square shall be counted for each name of the group to the left" The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "Top of group," and above the bottom line of the extension, the words "End of group." If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In certifying to each county clerk or registrar of voters the list of names as required in section 42 of the direct primary law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Officers  
voted for  
in more  
than one  
county.

Certifying  
list to  
county  
clerk.

(b) If the office is an office to be voted on wholly within one county or city and county, and throughout such county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk or registrar of voters shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; *provided*, that there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and

Officers  
voted for  
in one  
county.

county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State  
senator.

(c) If the office is that of state senator or assemblyman, or any office except the office of representative in congress to be voted on wholly within any county or city and county, but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

City  
officers.

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

"Independent."  
ent."

(e) If a candidate shall be nominated under section 1188 of the Political Code, the word "Independent" shall be printed to the right of his name.

Order of  
proposi-  
tions.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary of state and such questions and propositions shall be numbered consecutively on the ballot. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; *provided, however*, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section one of article IV of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to the secretary of state a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of

Titles.

Titles for  
initiative  
questions.

Statement  
of purpose  
of measure.

the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment, may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Objections to title.

Board of title commissioners.

Determination final.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to

Size of ballot, etc.

Headings.

be voted on shall be headed by the designation of the office and the words "Vote for one" or "Vote for two" or more, according to the number to be selected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for one" or "Vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point roman type (capitals) in proper order below the designation of the office, and, in the case of congressional offices or the office of elector of president and vice president, in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one-half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Arrange-  
ment of  
names of  
candidates

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three-point line.

Borders,  
perfora-  
tions,  
etc.

6. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular

candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one-half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub and immediately at the left of the center of the ballot, in eighteen-point gothic capitals, the words "General ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "Municipal ticket." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

Number.

"General ticket."

"Municipal ticket."

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Ballots of same size, etc

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

Two officers for different terms.

Proposi-  
tions  
column.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for and opposite such question, proposition or constitutional amendment, to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

Instructions  
to voters.

10 On the top of the face of the ballot, the following directions shall be printed:

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. In the case of a name written on the ballot, it is optional, but not necessary, to stamp a cross after such name. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. In elections when electors of president and vice president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all of a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person whose name is not on the ballot."

Form

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in one of the following forms, according as the election is a gubernatorial or a presidential election:

[Faces of ballots on insert.]

# INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. In the case of a name written on the ballot, it is optional, but not necessary, to stamp a cross after such name. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another.

STATE		CONGRESSIONAL		SCHOOL		Questions and Propositions Submitted to Vote of Electors	
<b>Governor</b> <small>Vote for One</small>		<b>United States Senator</b> <small>Vote for One</small>		<b>Superintendent of Public Instruction</b> <small>Vote for One</small>		<b>1</b> <b>CALLING CONVENTION FOR REVISION OF CONSTITUTION.</b> Assembly Concurrent Resolution 17. Recommends that electors vote for or against a convention for revising the constitution; provides that if majority vote in favor thereof, the legislature shall at next session provide for election of delegates to such convention and the holding thereof at state capitol within three months from date of election calling the same, and that it shall continue in session until it has completed the work of revision and provided for submission thereof to electors.	YES
THOMAS G. ADAMS		JOHN McCULLOCH <small>Progressive Republican</small>		EUSTACE BRIGHT			NO
JOHN C. KELLY		T. H. MERKHART <small>Democrat</small>		SMITHSON SNELL		<b>2</b> <b>PROHIBITION.</b> Initiative amendment adding sections 26 and 27 to article I of constitution. Prohibits the manufacture, sale, gift, or transportation wholly within the state, of intoxicating liquor; permits any citizen to enjoin violations; makes the showing that the manufacture, use, sale, gift or transportation was for medicinal, scientific, mechanical or sacramental purposes, a defense to civil and criminal actions, and requires regulation by law of such acts for said purposes; prohibits transportation into this state of intoxicating liquor, unless shown to be for such purposes, subject, however, to United States laws; prescribes and authorizes penalties.	YES
		A. L. CURTIS, <small>Socialist</small>					NO
<b>Lieutenant Governor</b> <small>Vote for One</small>		<b>Representative in Congress, First Congressional District</b> <small>Vote for One</small>		<b>County Superintendent of Schools</b> <small>Vote for One</small>		<b>3</b> <b>EIGHT HOUR LAW.</b> Initiative act adding section 393½ to the Penal Code. Declares it a misdemeanor, punishable by fine or imprisonment in county jail or both, for any employer to require or permit, or to suffer or permit his overseer, superintendent, foreman or other agent to require or permit, any person in his employ to work more than eight hours in one day, or more than forty-eight hours in one week, except in case of extraordinary emergency caused by fire, flood, or danger to life or property.	YES
H. DEAN		ENCIL SCHLOSS, <small>Republican</small>		M. HUGHES			NO
N. DUFFY		ROBERT WIKART <small>Ind., Prog., Soc.</small>				<b>4</b> <b>ABATEMENT OF NUISANCES.</b> Act submitted to electors by referendum. Declares nuisance any building or place where acts of lewdness, assignation or prostitution occur, and general reputation admissible to prove existence of nuisance; prescribes procedure for abatement thereof; requires removal and sale of fixtures and movable property used in aid thereof, closing premises to any use for one year unless court releases same upon bond of owner; prescribes fees therefor, making same and all costs payable from proceeds of such sale, requiring sale of premises to satisfy any deficiency; makes fines lien upon interest in premises.	YES
<b>Secretary of State</b> <small>Vote for One</small>		SAM BENTON, <small>Democrat</small>		<b>COUNTY</b>			NO
ARCH DENNY		LOUIS JONES, <small>Prohibition</small>		<b>Sheriff</b> <small>Vote for One</small>			
CLAUD PIERSON				M. ENDEN			
<b>Controller</b> <small>Vote for One</small>		<b>LEGISLATIVE</b>		JO LANDREGAN			
TOMES JOHNS		<b>Member of the Assembly, First District</b> <small>Vote for One</small>					
HENRY SIMPSON		ORVIL WANE		<b>District Attorney</b> <small>Vote for One</small>			
<b>Treasurer</b> <small>Vote for One</small>		CLARENCE WEST		J. SMITH BOLT			
EDGAR ALLEN		<b>JUDICIAL</b>					
<b>Attorney General</b> <small>Vote for One</small>		<b>Chief Justice of the Supreme Court (Full Term)</b> <small>Vote for One</small>		<b>County Clerk</b> <small>Vote for One</small>			
JOHN MASTERS		GEORGE CONLEY		HOMER USON			
<b>Surveyor General</b> <small>Vote for One</small>		DONALD DUNN		<b>Auditor and Recorder</b> <small>Vote for One</small>			
WILLIAM FULLER		<b>Chief Justice of the Supreme Court (Short Term)</b> <small>Vote for One</small>		JOHN MCKAY			
JOHN KANE		<b>Associate Justices of the Supreme Court</b> <small>Vote for Two</small>		<b>Treasurer</b> <small>Vote for One</small>			
<b>Member State Board of Equalization Third District</b> <small>Vote for One</small>		FRANCIS MURKE		ROBERT DENTON			
JAMES HANDLEY		RALPH STONE		J. P. DREW			
		L. P. BEUNER		<b>Assessor</b> <small>Vote for One</small>			
		M. G. CURTIS		SAMUEL ROVER			
		<b>Associate Justice of the District Court of Appeal, Third Appellate District</b> <small>Vote for One</small>		<b>Tax Collector</b> <small>Vote for One</small>			
		JOHN SAMMI		ENDON REESE			
		<b>Judge of the Superior Court</b> <small>Vote for One</small>		<b>Coroner and Public Administrator</b> <small>Vote for One</small>			
		RALPH REAM		U. V. SNYDER			
		<b>Justice of the Peace of Crescent Township</b> <small>Vote for One</small>		<b>Surveyor</b> <small>Vote for One</small>			
		LUDLEY CONE		J. S. MARSTONE			
				<b>Constable, Crescent Township</b> <small>Vote for One</small>			
				L. B. JONES			

PERFORATED LINE

# INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for all of a group of persons stamp a cross (X) in the square opposite such group. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. In the case of a name written on the ballot, it is optional, but not necessary, to stamp a cross after such name. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another.

STATE		For Electors of President and Vice President of the United States Vote for Thirteen		CONGRESSIONAL		CONSTITUTIONAL AMENDMENTS, INITIATIVE AND REFERENDUM PROPOSITIONS	
For Electors of President and Vice President of the United States Vote for Thirteen				Representative in Congress, First Congressional District Vote for One		LEGISLATIVE CONTROL OF IRRIGATION, RECLAMATION AND DRAINAGE DISTRICTS. Assembly Constitutional Amendment 47 amending section 13 of article XI of constitution. Present section unchanged but proviso added authorizing legislature to provide for supervision, regulation and conduct, in such manner as it may determine, of affairs of irrigation, reclamation or drainage districts, organized or existing under laws of this state.	
Maurice Robbins Progressive	Top of Group.  A cross [X] stamped in this square  shall be counted for each name in the group to the left.	LAWSON R. ROSS Socialist	A cross [X] stamped in this square  shall be counted for each name in the group to the left.	HENRY W. SMITH Republican Prohibitionist	1	Yes	
HARRIS V. KIRK Progressive		RICHARD ROE, Socialist		B. J. VINCENT, Democrat		No	
JOHN T. HUNT Progressive		HENRY BROWN, Socialist		ROBERT ANDERSON, Independent	2	Yes	
JOSEPH T. JOHNSON Progressive		JOHN DOE, Socialist		EDWIN T. BAKER, Progressive		No	
H. L. MAYNARD Progressive		MAURICE HUGGINS Socialist		LEGISLATIVE			
E. S. MINOR, Progressive		WILLIAM SMITH Socialist		State Senator, First Senatorial District Vote for One			
C. H. ALLSTON Progressive		THOMAS GREEN Socialist		E. W. CARMACK			
LEWELLYN HASKILL Progressive		EDWIN McCORD Socialist		KNUTE NELSON			
WILLIAM S. STOKES Progressive		H. LAW, Socialist		Member of the Assembly, First Assembly District Vote for One			
AMOS STRONG Progressive		ALMER SMITH, Socialist		J. RANDALL FRASER			
PETER BROWN Progressive		ALBERT BERG, Socialist		COUNTY			
E. O. JOHNSON Progressive		MARGER I. TURNER Socialist		Judge of the Superior Court Vote for One			
JOHN F. SAVAGE Progressive		HENRY SAMPSON Socialist		H. T. JOHNSON			
J. B. TOWLE, Republican		MAURICE KING					
CHARLES N. HART Republican		Supervisor, First Supervisorial District Vote for One					
WALTER BROWNLOW Republican		E. O. ANDERSON					
CASSIUS N. CLAY Republican		FLETCHER B. CARMODY					
JOHN F. THOMAS Republican							
A. T. ADAMS, Republican							
EDWARD M. BLACK Republican							
ALBERT F. JONES Republican							
ROBERT B. PORTER Republican							
F. T. ANDERSON Republican							
H. C. RAWLINS Republican							
BEN F. BAXTER Republican							
JOHN U. DAWSON Republican	End of Group.						
RALPH KERR, Democrat	Top of Group.  A cross [X] stamped in this square  shall be counted for each name in the group to the left.						
L. S. BROWN, Democrat							
GALT B. BELL, Democrat							
JOHN I. SMALL Democrat							
A. E. ETTLESON Democrat							
JOHN F. McBRIGHT Democrat							
LUCIUS R. HICKS Democrat							
SYDNEY U. BUCHAM Democrat							
RANDAL JAMES Democrat							
J. SAN GENE, Democrat							
PRINCIP L. BIENS Democrat							
AL BIEHL, Democrat							
JOHN P. ENOS Democrat		End of Group.					

CHAPTER 137.

*An act to provide for the indication by the registered qualified electors of their choice for nomination by their respective political parties for president of the United States through the election of the delegates of said political parties to their respective national conventions, and to repeal an act approved December 24, 1911, known as the presidential primary act, and also to repeal all other acts or parts inconsistent with or in conflict with the provisions of this act.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

SECTION 1. On the first Tuesday in May of each year of the general November election at which electors of president and vice president of the United States are to be chosen, there shall be held a primary nominating election, to be known as the May presidential primary election, at which the registered qualified electors shall have opportunity, on separate party ballots provided for that purpose, to elect the delegates of their respective political parties to their respective national conventions for the nomination of their party candidates for president and vice president of the United States, thereby indicating the preference of said electors for their presidential nominee.

Presidential primary election.

SEC. 2. The chairman of the state central committee, or, after the year 1916, the chairman of the congressional party committee, of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as to the number of delegates to represent the state in the next national convention of his said party. If said chairmen, or any of them, fail to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the August primary election according to the provisions of the "direct primary law."

Secretary of state to be notified of number of delegates.

Elected at large.

Parties qualified to participate.

SEC. 3. The names of persons to be voted upon as delegates to the respective national conventions of the several political

Nomination.

parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially as provided in sections 11 to 21, inclusive, of the "direct primary law" as said direct primary law was enacted at the forty-first session of the legislature; *provided*, that, in the case of each party, nomination papers for candidates for delegates must be signed by the same number of electors as is required on the nomination paper of a candidate for United States senator; *and provided, also*, that whenever a candidate for delegate files a statement with the secretary of state, as hereinafter provided in this section, wherein as a delegate he enrolls himself with other delegates in expressing his preference for the same person as candidate for presidential nominee, there may be nominated by the same nomination paper the names of all such candidates for delegates who are included in such statement as have individually filed similar statements with the secretary of state. The form of nomination paper as set forth in section 13 of said direct primary law shall be changed for this purpose by substituting, in the appropriate place, for the name of a single candidate, as follows: "hereby nominate the following:

Form of nomination paper.

	Names	Residence City or Town	County	Number Congressional District.
1.	-----	-----	-----	-----
2.	-----	-----	-----	-----
3.	-----	-----	-----	-----

(to 26 names, or such other number as may be required)

as candidates for delegate to the ----- national party convention, to be voted for at the primary election to be held on the ----- day of May, 19----."

Verification deputies.

And by making such other changes in said form as may be necessary. The verification deputies to obtain signatures on the nomination paper for such group of candidates for delegates may be appointed, either according to the provisions of subdivision 1 of section 12 of said direct primary law, by said candidates for delegates joining together in the appointment of said deputies; or, according to the provisions of subdivision 2 of said section 12, by the "five registered qualified electors" appointing said deputies to obtain signatures for the nomination of all of said candidates whose names are grouped together on the same nomination papers; *provided, however*, that the number of such candidates for delegates shall not be greater than the total number of delegates to be elected by said party; *and provided, further*, that the names of such candidates thus grouped together shall be so selected that the smallest number of such candidates who shall reside in any one congressional district shall be no less than the integer of the quotient obtained by dividing the number of the names of such candidates appearing upon the same nomination paper by the total number of congressional districts of the state, and that the largest number of such candidates who shall reside in any one congressional district shall be no greater than twice said integer; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Grouping of candidates.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; *provided*, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the organization supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; *and further provided*, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has had first filed the endorsement as herein recited; *provided*, that one of the groups in which his name occurs has received such endorsement. Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, an affidavit substantially as provided in section 11 of the "direct primary law," and may also include with his affidavit the following statement:

Endorsement of group by candidate for presidential nominee.

DELEGATE'S STATEMENT.

"I personally prefer ----- as nominee of my political party for president of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support said ----- as nominee of my party for president of the United States" (filling in the blanks by inserting his choice for such nominee). But the neglect or failure of any candidate to include any statement of preference for presidential nominee shall not be a valid ground on the part of the secretary of state for refusal to receive and file the nomination paper containing his name.

Additional statement

However, each candidate for delegate whose name is filed upon a nomination paper together with the names of other candidates, as hereinbefore in this section provided, in order to have his name printed upon the ballot in a group with such other names, must file such statement of preference, and shall add to it the following:

Statement of preference.

"And I hereby enroll myself in the expression of preference for said ----- for presidential nominee, as one of the following named candidates for delegate:

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

Etc.

(the blanks immediately following the word "delegate" being filled in by the printed or typewritten names of all the candidates for delegate, including the signer, whose names appear upon the same nomination paper in accordance with the provisions of this section).

(Signed) -----"

Names of candidates in parallel columns.

SEC. 4. The names of the candidates for delegate of any political party shall be arranged upon the ballot of such party in parallel columns, the various candidates for delegate appearing in these columns under their preference for president according to the provisions of section 3 of this act. That group of candidates which shall first file its nomination paper with the secretary of state shall be entitled to the first or left hand column; the group which next files its nomination paper shall be entitled to the second column; and similarly for all other groups. The left hand column shall be headed in heavy face, ten point, gothic type, the following:

Headings.

"CANDIDATES PREFERRING -----"

(The blank being filled in by the name of that candidate for presidential nominee for whom the members of the group in said left hand column have expressed a preference.) The second column shall be similarly headed except that the name of the candidate shall be that preferred by the members of the group in said second column; and so on for as many columns as may have groups who have expressed a preference for presidential nominee.

To the right of the last column headed by the name of a candidate for presidential nominee shall be a column headed by the words "No preference," in heavy face, ten point, gothic type, in which column shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee, or who have expressed a preference for a presidential nominee who has not endorsed said candidates, either personally, or through the state political organization created in support of his candidacy, as such endorsement is provided for in section 3 of this act. To the right of the last column shall be a column headed by the words "Blank column" in heavy face, ten point, gothic type, which column shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "No preference column," such "No preference column" shall be omitted from the ballot, and the "Blank column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee.

Style of printing names.

The names of the various candidates for delegates shall be printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face,

eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state; *provided*, that above the individual names in each column, if any, shall appear the group of names, if any, which has received the endorsement referred to in section 3 of this act.

A blank column one half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Arrange-  
ment for  
toting

SEC. 5. The delegates to each national party convention elected at the May presidential primary election, shall, before leaving the state to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in his place, and shall otherwise discharge the duties of said delegate, but shall not vote in place of said delegate when said delegate is occupying his seat at the convention.

Alternate  
delegates.

SEC. 6. For purposes of the May presidential primary election only the new registration, beginning on January 1st of the year in which such May presidential primary election is held, shall be used. Any person registered in accordance with the provisions of this section and of section 1096 of the Political Code and who, on asking for his party ballot at the polls, writes, or has written, and declares his political affiliation in accordance with section 36 of the direct primary law, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he thus declares

Regis-  
tration for  
use at  
presidential  
primary

Qualifica-  
tion for  
signing  
nomination  
papers.

himself affiliated. Any person qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

Ballot

SEC. 7. The ballot to be used at the May presidential primary election shall be prepared according to the provisions of sections 3 and 4 of this act, and also according to such provisions of the "direct primary law" as are applicable to this act and not in conflict with its provisions; *provided*, that the words at the top of the ballot shall be "Official presidential primary election ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group which cross shall be counted for each name of the group. A group consists of candidates for delegates nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name"

Instructions  
to voters.

Printing

There shall be printed in heavy face, twelve point, gothic type, across the page above the columns of candidates for delegates, the words, "For delegates to national convention vote for -----, either as individuals or by group, but do not vote for more than -----" (the blanks being filled in by the number of delegates to be elected by the political party concerned)

The ballot shall be printed substantially in the following form:

Form.

[ Face of ballot on insert ]

County  
clerk to  
provide  
ballots.

SEC. 8. The county clerk of each county, or registrar of voters in any city or county, shall distribute to each precinct, as near as may be, twice as many official ballots for each party as were cast in the precinct for the candidate of that party for United States senator at the last election in this state at which a United States senator was elected; and if the number of ballots so furnished proves insufficient, additional ballots must be furnished by the county clerk on demand by the board of election officials of the precinct. One sample ballot of each party shall be mailed to every elector entitled to vote at the May presidential primary election, not more than ten days nor less than five days before the election. This sample ballot for each party shall be one half the dimensions, as near as may be, of the official ballot for such party, and shall otherwise be of the same form, and contain the same names and heading, as the official ballot; and above the first line of said heading shall appear the words "Sample ballot (reduced to one-quarter size) of the."

Sample  
ballots

Size, etc.

SEC. 9. The provisions of the direct primary law as enacted by the legislature of the State of California at its forty-first regular session shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

Election governed by provisions of direct primary law.

SEC. 10. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of January, 1916, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

Secretary of state and attorney general to prepare forms.

SEC. 11. This act shall be known as the presidential primary act.

Title of act.

SEC. 12. The act approved December 24, 1911, known as the presidential primary act, is hereby repealed, and all other acts and parts of acts inconsistent with or in conflict with the provisions of this act are also hereby repealed.

Repealed

CHAPTER 138.

*An act to amend sections ten hundred seventy-three, ten hundred seventy-nine, ten hundred eighty-three a, ten hundred ninety-four, ten hundred ninety-six, ten hundred ninety-seven, eleven hundred thirteen, eleven hundred fifteen, eleven hundred twenty-seven, eleven hundred twenty-nine, eleven hundred thirty, eleven hundred thirty-three, eleven hundred ninety-two, twelve hundred eighty-eight, twelve hundred ninety, twelve hundred ninety-four and four thousand twenty-five of the Political Code relating to elections; to add a new section to the same code to be numbered ten hundred eighty-three b relating to the same subject-matter, and to repeal sections ten hundred ninety-seven a, eleven hundred two, eleven hundred forty-three, twelve hundred fifty-three, twelve hundred eighty-five, twelve hundred eighty-six, twelve hundred eighty-seven, thirteen hundred thirty-four, thirteen hundred thirty-five, thirteen hundred forty-four, thirteen hundred forty-five, thirteen hundred fifty-nine, thirteen hundred sixty-one a, thirteen hundred sixty-six a and four thousand twenty-six of the Political Code, also relating to the same subject-matter.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

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

1073. The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and returns, together with envelopes in which to inclose returns, must be furnished by the county clerk to the officers of each election precinct, at the expense of the county.

County clerk to furnish poll lists, etc.

# OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT

## REPUBLICAN PARTY

Third Assembly District, May 14, 1912

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name.

For Delegates to National Convention. Vote for 26, either as individuals or by group. But do not vote for more than 26.

Candidates Preferring JOHN P. MONROE		Candidates Preferring WILLIAM ADAMS		Candidates Preferring HENRY JACKSON		No Preference Column		Blank Column	
1. JOHN SMITH	Top of group.	1. ANDREW LEWIS	Top of group.	1. THOMAS TUCKER	Top of group.	JAMES CONWAY			
2. CHARLES BROWN	A cross (X) stamped in this square shall be counted for each name in the group to the left.	2. JAMES CONNORS	A cross (X) stamped in this square shall be counted for each name in the group to the left.	2. WILLIAM REED	A cross (X) stamped in this square shall be counted for each name in the group to the left.	EVERETT WILLIAMS			
3. JOSEPH CANNON		3. HENRY HOFFMAN		3. JAMES WILSON		WALTER P. SHORT			
4. G. P. HENRY		4. FRANK CHURCH		4. JOHN BROWN		EDWIN LONG			
5. GEORGE A. HALL		5. GEO. WATSON		5. H. P. GOODMAN		J. T. BLACK			
6. JOHN BORT		6. EDWARD PEASE		6. J. B. SMITH		JOHN COULTER			
7. FRANK GOOD		7. ROBERT LLOYD		7. E. J. JONES		D. V. ELLISON			
8. ROBERT HANSON		8. ROBERT PRINCE		8. PETER STIRLING		ANDREW BUSH			
9. FRANK HANLON		9. PHILIP ROBERTSON		9. N. O. MASON		PERRY ALLEN			
10. FRED MARTIN		10. GEORGE CARPENTER		10. E. R. SILL		SAM BILLINGS			
11. CHAS. B. HAMILTON		11. HENRY SIMMES		11. L. D. JOHNSON		ARTHUR GALE			
12. WALTER PERRY		12. DANIEL SNOW		12. ANDREW TURNER		F. J. WHITE			
13. JOHN GRAHAM		13. WALTER SCOTT		13. F. C. DONAHUE					
14. GEO. P. GOLDEN		14. EDWARD KING		14. D. L. TAYLOR					
15. THOMAS GIBSON		15. FRED TYLER		15. JOHN THOMPSON					
16. HENRY GARDNER		16. WILLIAM BROOKS		16. O. T. MOORE					
17. CHAS. M. FRENCH		17. JOHN GORMAN		17. L. J. CARSON					
18. DAVID FOWLER		18. FRANK McCLURE		18. F. G. JONES					
19. LOUIS FREEMAN		19. HARRY WRIGHT		19. JOHN SAMTER					
20. JACOB DUNBAR		20. CHARLES YOUNG		20. E. F. JOHNSON					
21. HENRY DOYLE		21. DAVID BALL		21. X. V. BROAD					
22. HERMAN DAVIS		22. EUGENE CAHILL		22. PETER HEAD					
23. FRED CLARK		23. ANDREW GREEN		23. L. T. WILLIAMS					
24. ROBERT BURNETT		24. EDWARD WHITE		24. ELLIS THORNTON					
25. JOHN BUSHNELL		25. JAMES GIBSON		25. HUGH CONWAY					
26. CHARLES MARTIN		26. GEO. MERRILL		26. E. T. WILLIAMSON		End of group.	End of group.		
THOMAS F. BRADLEY		FRED A. CHAMBERS		FRANK D. ARMES					
DAVID JONES		R. G. KENNY							
		EDWIN MILLER							

SEC 2. Section ten hundred seventy-nine of the Political Code is hereby amended to read as follows:

Board of  
election  
commis-  
sioners.

Bids for  
printing.

1079 Whenever the clerk, secretary or any other officer of a county, or city, which at the last general state election before this amendment had a registration of over one hundred and twenty-five thousand voters, or of any city and county, is charged with the performance of any official duty, in respect to elections, which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the board of election commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the board of election commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work or furnishing other and similar materials, for such county, city, or city and county purposes; *provided*, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, or the tally lists, if, in the judgment of the county clerk or registrar of voters, the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law; *and provided, further*, that in any consolidated city and county having a freeholder charter providing for a system of civil service, the election commission may make appointments of persons to perform work or service as laborers, mechanics, artisans or machinists in accordance with the provisions of such civil service, and provide for proper compensation therefor, whenever service of such nature is found necessary with respect to any election or elections.

In cities  
having  
civil  
service.

SEC 3. Section ten hundred eighty-three *a* of the Political Code is hereby amended to read as follows:

Qualifica-  
tions for  
signing  
initiative  
petitions,  
etc

1083a. Wherever, by the constitution or laws of this state, any initiative, referendum, recall or nominating petition or paper, or any petition or paper, is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition or paper shall be entitled to sign the same, and no elector shall be entitled to sign any such petition or paper on or after the first day of January of an even-numbered year unless he shall, on or since said first day of January, have made an affidavit of registration as required by law. Such signer shall at the time of so signing such petition or paper affix thereto the date of such signing. Wherever, by the constitution or laws of this state,

the county clerk or registrar of voters is required to determine from the records of registration what number of qualified electors have signed such petition or paper, he shall determine that fact with respect to the purported signature of any person from the affidavit of registration, and records relating thereto, current and in effect at the date of such signing of such petition or paper.

SEC. 4. A new section is hereby added to the Political Code to be numbered ten hundred eighty-three b and to read as follows:

1083b. Whenever the county clerk or registrar of voters is required by law to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he is hereby empowered to employ the necessary help for said examination to be paid by such municipality a sum not to exceed three dollars per day for each person so employed in such examination.

County clerk may employ extra help for examining signatures

SEC. 5. Section ten hundred ninety-four of the Political Code is hereby amended to read as follows:

1094. There shall be, in each even-numbered year, to continue for two years, except as hereinafter provided, in each county and city and county of the state, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held: and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any general or special municipal election, or any other special election, including any primary election and all special elections to vote for officers, or upon or for or against any proposition or question authorized to be submitted to a vote, is held on or after the first day of January and before the first day of April of any even-numbered year, the original affidavits of registration and indexes used in the last general state election in any county or city and county in this state, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said election then being held, may be used at such election to determine the persons entitled to vote thereat. All affidavits of registration made prior to the first day of January of any even-numbered year shall be deemed canceled upon said day except for the sole purpose of being used as hereinbefore stated at elections held thereafter and before the first day of April of that year, and shall on said

Registration every two years.

Transfers.

Elections held between January 1 and April 1 of even numbered year.

Affidavits of registration deemed canceled.

Registration  
outside of  
main  
office.

last mentioned day be deemed canceled for all purposes. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; *provided, however,* that in any city and county where the registration at the last preceding presidential election exceeded eighty-five thousand, no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; *and provided, further,* that in any such city and county such registration without regard to particular precincts outside of the main office of the officer charged with the registration of voters, must be had in at least one place in each assembly district in such city and county for a period of not less than five days, exclusive of Sundays, next immediately preceding the close of registration for the August primary election provided for by state law, and said registration places shall be and remain open at least from ten o'clock a.m. to ten o'clock p.m. of each of said days; *provided, further,* that any registration which may be made at the main office for registration in any such city and county may be made in any of the places provided for registration in the assembly districts therein; *and provided, further,* that such other places of general registration, in addition to and other than those above specified, shall be provided in any such city and county as may be necessary for the proper and full registration of the voters thereof and such places of registration shall be provided at such times, for such length of time, and in such places as the board having control of registration in any such city and county may provide. Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition to specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of

Lists of  
lodgers to  
be  
provided.

said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision five of section twelve hundred thirty of the Political Code. Whenever in the laws of this state the word "register" or "great register" is used with relation to elections, it shall be deemed to mean and include the relative and proper affidavits of registration, or both thereof, prepared and bound by the county clerk or registrar of voters.

Challenge of voters not on certified lists of lodgers

SEC. 6. Section ten hundred ninety-six of the Political Code is hereby amended to read as follows:

1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the state one year, of the county ninety days, and of the precinct thirty days next preceding such election and the affidavit must show such facts. It shall also show:

Qualifications for registration

1. The name at length, including Christian or given name, and middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded in all cases by the designation of Miss or Mrs., as the case may be.

Additional facts to be shown.

2. The place of residence and post office address with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show upon what floor thereof, and what room such elector occupies in such house.

3. The occupation of affiant.

4. The height of affiant in feet and inches.

5. The country or state of nativity of affiant.

6. If foreign born, how citizenship was acquired; whether by citizenship of father, by provisions of a treaty or act of congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The date or year when, and the place or state where affiant became a citizen, shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

7. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his or her name, and whether or not the elector has any physical disability, by reason of which he or she can not mark the ballot; and if he or she can not mark the ballot

by reason of physical disability, then the nature of such disability must be entered. The affiant, if able to write, shall sign such affidavit with his or her customary signature and the county clerk or registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of the jurat.

SEC. 7. Section ten hundred ninety-seven of the Political Code is hereby amended to read as follows:

Affidavit  
of  
registration.

1097. Subdivision 1. No person shall be registered as an elector except by affidavit of registration. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy or registration clerk and shall set forth all the facts required to be shown in sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code. If an elector is absent from the county in which he or she claims residence, he or she may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice consul of the United States, and may make and subscribe an affidavit as to his or her residence, specifying in what ward or precinct he or she claims residence; that he or she will be necessarily and unavoidably absent from said county, or city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code of the State of California, and forward such affidavit, in duplicate, duly authenticated as above, by mail, enclosed in an envelope addressed to the county clerk of any county, or the registrar of voters in any county or city and county in which he or she claims to be an elector. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the clerk in the proper register in such precinct.

If elector  
is absent  
from  
residence

Conditions  
of  
registering  
foreign  
born.

Sub. 2. No foreign born person shall be registered unless:

a. If a naturalized citizen, upon the production of his or her certificate of naturalization or upon the production of a certificate of registration in the county of his or her last residence in the state, showing the date and place of naturalization, or upon his or her affidavit stating date and place of naturalization; *provided*, that any person registering for the first time in the state must produce his or her certificate of naturalization.

b. If a citizen by virtue of his or her father being a citizen at the time of his or her birth, upon his or her sworn statement that his or her father was a citizen of the United States at the time of his or her birth and has been a resident thereof. Such statement need not be noted in full upon the affidavit of registration, but the words "I acquired citizenship by the citizenship of my father (naming him)" shall be sufficient.

c. If a citizen by virtue of the naturalization of his or her parent, upon his or her affidavit that he or she became a citizen by such naturalization of his or her parent, naming such

parent, that such naturalization took place during his or her minority and that he or she began to reside permanently in the United States while such minor child. Such statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's (or mother's) naturalization" as the case may be, naming him or her, shall be sufficient.

d. If a citizen by virtue of marriage to a citizen, the date and place of such marriage shall be entered upon the affidavit of registration together with the name of the husband.

e. If a citizen by virtue of the naturalization of her husband the date or year and place of such naturalization together with the name of the husband shall be entered.

Sub. 3. In every case the affidavit of the party must show all the facts required to be stated. The clerk or registrar of voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, and also any date or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by section 1204 of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and dispatch. Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may have printed either the word "precinct" or the word "street" or the word "avenue," or any or all of such words as the clerk or registrar of voters shall deem most convenient in practical use for the territory in which such affidavits are to be used. In designating the residence of the voter or the post office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. In connection with the statement regarding the citizenship of affiant, the affidavit may have printed in brackets statements of the various methods of acquiring citizenship, and it shall be sufficient to underline, or otherwise mark, with pen and ink, or indelible pencil, that statement applicable to the particular affiant. The words printed in the body of the affidavit, which by reason of statements of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double

Affidavit must show all facts required.

Substitutions permitted

Further instructions

Words not applicable.

or single lines in the discretion of the clerk or registrar of voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Wherever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with number 1, and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the clerk or the registrar of voters. The words "affidavit of registration" shall be not less than twenty-four point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten point plain-faced type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type at the discretion of the county clerk or registrar of voters. Subject to the foregoing provisions the body of said affidavit shall be substantially in the following form:

[Face of affidavit on insert.]

Sub. 4. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be canceled. And in case any elector shall re-register or transfer his or her registration from one precinct to another the former address or precinct shall be noted in the margin of such affidavit, and the former registration shall thereupon be canceled.

Sub. 5. No person shall be registered except as above provided unless upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

SEC. 8. Section eleven hundred thirteen of the Political Code is hereby amended to read as follows

Manner of printing.

Statements numbered

Width

Type

Form.

Change of name by marriage.

Registration otherwise than as above.

1113. Within five days after the last day of registration for any election the clerk shall arrange the affidavits of registration for each precinct in which such election is to be held, alphabetically by surnames, number them, beginning with number 1 in each precinct, and bind the same into books by fastening the left-hand edges together with a staple, cord or other suitable material. Each book shall have stated on the outside thereof the name or number of a precinct and shall contain all, and only, the affidavits of registration of the electors residing within that precinct. The duplicate affidavits for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. In the case of duplicate affidavits this alphabetical arrangement shall be exact; and in the case of affidavits having the same surname such arrangement shall extend to the given or Christian name, and, where necessary, to the middle name or initial.

Registration book.

Duplicate affidavits

SEC. 9. Section eleven hundred fifteen of the Political Code is hereby amended to read as follows:

1115. Within five days after the binding of said books by precincts the clerk shall prepare an index of each book, said index to contain the numbers, names, occupations and addresses, as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The clerk shall have at least one hundred copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding fifty, as the governing body of such municipalities shall by resolution require. The county clerk shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county, a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference.

Index to registration books.

Number of copies.

Index furnished to candidates.

Indexes for primaries.

SEC. 10. Section eleven hundred twenty-seven of the Political Code is hereby amended to read as follows:

STATEMENT OF TRANSFER OR CHANGE OF NAME.

I am registered under the name of \_\_\_\_\_  
from the following precinct or address \_\_\_\_\_  
in this county \_\_\_\_\_  
(or in \_\_\_\_\_ county, and I hereby authorize the cancellation  
of my last previous registration in said \_\_\_\_\_ county).

NAME OR NUMBER OF PRECINCT.

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

} ss.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct thirty days next preceeding such election, and will be an elector of this County at the next succeeding election.

1. I have not (have) registered from any other precinct in the state since January 1, 1916.\*  
(Mark out words "have not" or "have" as the case may be, and if applicant has so previously registered, or has previously registered under another name, fill out the appropriate blanks at the top of the affidavit, under "statement of transfer or change of name.")

2. My full name is \_\_\_\_\_  
(Including christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is \_\_\_\_\_  
between \_\_\_\_\_ and \_\_\_\_\_ Streets \_\_\_\_\_ Floor \_\_\_\_\_ Room \_\_\_\_\_  
Post office address at \_\_\_\_\_

4. My occupation is \_\_\_\_\_

5. My height is \_\_\_\_\_ feet \_\_\_\_\_ inches

6. I was born in \_\_\_\_\_  
(State or Country.)

7. I acquired citizenship by \_\_\_\_\_  
(Underline method of acquiring citizenship.)  
a. Decree of Court. \* d. Marriage to a citizen.  
b. Father's naturalization. e. Naturalization of my husband.  
c. Citizenship of father. f. Act of Congress. g. By treaty.  
(when) \_\_\_\_\_ (where) \_\_\_\_\_

My father's name is (was) \_\_\_\_\_  
My husband's name is \_\_\_\_\_  
(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can \_\_\_\_\_ read the Constitution in the English language; I can \_\_\_\_\_ write my name; I am entitled to vote by reason of having been on November 6, 1894 (a) An elector, (b) More than sixty years of age.

I can \_\_\_\_\_ mark my ballot by reason of \_\_\_\_\_  
(State physical disability, if any.)

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 1916  
\_\_\_\_\_  
County Clerk (or Registrar of Voters).

}  
\_\_\_\_\_  
(Affiant sign here.)

\*Or the year when registration commenced.

County  
surveyor  
to divide  
county into  
precincts.

1127. The county surveyor shall under the direction of the county clerk, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, and file same with the board of supervisors not later than the first Monday in November of each odd-numbered year; *provided, however*, that the county shall be so divided into election precincts that there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct not more than two hundred, as near as can be ascertained, and it shall be the duty of said board to adopt an order creating election precincts as prepared and described by said county surveyor and county clerk, not later than the second Monday in December of each said odd-numbered year.

Precinct  
changes.

The county surveyor shall within fifteen days after receipt of written request from the county clerk, change or alter any precinct boundaries, and prepare new detail maps and descriptions thereof, as directed by the county clerk, and file the same with the board of supervisors, who shall at their next meeting adopt said precinct changes by order.

SEC. 11. Section eleven hundred twenty-nine of the Political Code is hereby amended to read as follows:

Supervisors  
to change,  
make new,  
or  
consolidate  
precincts.

1129 The board of supervisors or election commissioners, in each of the counties, and cities and counties, of the state, shall, within thirty days from the receipt of a written notice from the county clerk or registrar of voters, change the boundaries of, create new, or consolidate established precincts as per detailed descriptions as furnished by the county clerk and county surveyor; *provided*, that there shall always be as many precincts as shall be sufficient to make the number of votes polled in any one precinct not more than two hundred, as nearly as can be ascertained.

SEC. 12. Section eleven hundred thirty of the Political Code is hereby amended to read as follows:

Limitations  
on  
designation  
of  
precincts.

1130. The following limitations are imposed upon the powers given in this chapter:

1. No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district; *provided, however*, that if at any election, including any primary election, or special election, any precinct contains an insufficient number of qualified electors to make up a precinct election board, such precinct may be consolidated with an adjoining election precinct.

SEC. 13. Section eleven hundred thirty-three of the Political Code is hereby amended to read as follows:

Precincts  
for  
municipal  
elections.

1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section 1044 of this code may precinct, or subdivide, the municipality or territory within which such election is to be held, into

special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections may consolidate the precincts to a number not exceeding three for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated.

SEC. 14. Section eleven hundred ninety-two of the Political Code of the State of California is hereby amended to read as follows:

1192. Nomination papers required to be filed with the secretary of state, or with the county clerk, shall be filed not more than sixty days, nor less than thirty-five days before the day of election, when the nomination is made by electors as provided in section 1188 of this code. Nomination papers required to be filed with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors as provided in section 1188 of this code.

When nomination papers must be filed.

SEC. 15. Section twelve hundred eighty-eight of the Political Code is hereby amended to read as follows:

1288. When there has been a general or special election for officers chosen by the electors of the state at large, or for judicial officers (except justices of the peace), or for members of the state board of equalization, or for representatives in congress, or for senators and members of the assembly, each county clerk so soon as the statement of the vote of his county is made out and entered upon the records of the board of supervisors, must make out a certified abstract of so much thereof as relates to the votes given or cast for persons for said office to be filled at such election, together with a statement of the whole number of votes cast in the county as specified in section 1282. Whenever there is a general or special election held within this state, and any proposed constitutional amendment or proposition to be voted for by the electors of the state at large, each county clerk, so soon as the statement of the vote is made out and entered upon the record of the board of supervisors, must make out a certified abstract of such vote.

Statement of vote by county clerk.

SEC. 16. Section twelve hundred ninety of the Political Code is hereby amended to read as follows:

1290. On the fortieth day after the day of election, or as soon as the returns have been received from all the counties of the state, if received within that time (except in this code otherwise provided), the secretary of state must compare and estimate the vote, and make out and file in his office a statement thereof, and transmit a copy of such statement to the governor, except in the cases of senators and members of the assembly, in which cases, within said time, the secretary of

Secretary of state to make statement of vote.

state shall make out and deliver, or transmit by mail, to the persons elected a certificate of election.

SEC. 17. Section two ve hundred ninety-four of the Political Code is hereby amended to read as follows:

Copy to speaker of assembly.

1294. He must at once direct one copy to "the speaker of the assembly next to meet," address it to Sacramento, California, care of the secretary of state, and deposit it, postpaid, in the post office.

SEC. 18. Section four thousand twenty-five of the Political Code is hereby amended to read as follows:

County clerk must provide books of affidavits, etc.

4025. 1. The county clerk must provide the original books of affidavits of registration required by law and printed copies of the indexes, poll lists, poll books, blank returns and certificates and other appropriate and necessary appliances for holding all elections in the county. The county board of supervisors shall allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Supervisors furnish proclamations.

2. The county board of supervisors shall furnish proclamations of elections.

Repealed.

SEC. 19 Sections ten hundred ninety-seven *a*, eleven hundred two, eleven hundred forty-three, twelve hundred fifty-three, twelve hundred eighty-five, twelve hundred eighty-six, twelve hundred eighty seven, thirteen hundred thirty-four, thirteen hundred thirty-five, thirteen hundred forty-four, thirteen hundred forty-five, thirteen hundred fifty-nine, thirteen hundred sixty-one *a*, thirteen hundred sixty-six *a*, and four thousand twenty-six of the Political Code are hereby repealed.

## CHAPTER 139.

*An act to amend section two thousand four hundred sixty-six of the Political Code and to add thereto a new section to be numbered two thousand four hundred sixty-six a, relating to rates of pilotage at San Francisco.*

[Approved April 2S, 1915. In effect August S, 1915]

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

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

Rates of pilotage, San Francisco.

2466. The following shall be the rates of pilotage into and out of the harbor of San Francisco: All vessels under five hundred tons, two dollars per draft foot; all vessels over five hundred tons two dollars per draft foot and two cents per ton for each and every ton registered measurement; and every vessel spoken inward or outward bound except as hereinafter provided, shall pay the said rates. A vessel is spoken by day by a pilot-boat displaying a union jack or by night displaying a torch or flare-up within a distance of three miles

of the vessel. In all cases where inward bound vessels are not spoken until inside of the bar the rates of pilotage herein provided shall be reduced fifty per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage except where a pilot is actually employed.

Inward bound vessels inside the bar

SEC. 2. A new section is hereby added to the Political Code, to be numbered two thousand four hundred sixty-six *a* and to read as follows:

2466a. In the event a vessel not carrying cargo to the port of San Francisco, nor seeking any thereat, is compelled to enter said port solely by reason of her being in distress or requiring either repairs, provisions or fuel, the rates of pilotage into said harbor shall be as follows: All vessels under five hundred tons, one dollar per draft foot, all vessels over five hundred tons, one dollar per draft foot and one cent per ton for each and every ton registered measurement; and every vessel spoken inward bound shall pay the said rates. There shall be no reduction of rates of pilotage to vessels in distress where the vessel is spoken inside of the bar. In the event that the said vessel shall leave the port of San Francisco without carrying any cargo therefrom, she shall pay the last mentioned rates of pilotage out of the harbor of San Francisco.

Rates in case of distress or entry for repairs.

CHAPTER 140.

*An act to amend section fifty-three of the "Bank Act" of the State of California, approved March 1, 1909, approved as amended April 21, 1911.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

SECTION 1. Section fifty-three of the said "Bank Act" is hereby amended to read as follows:

Sec. 53. The capital stock of any bank having a capital stock shall have a par value of one hundred dollars per share, and the paid-up value shall be endorsed upon the face of each certificate issued, which paid-up value shall be the same on all certificates issued. No bank shall have preferred stock; *provided, however*, that no bank whose capital stock, on January 1, 1915, failed to comply with any of the requirements of this section, shall be compelled to change its capital stock in compliance herewith.

Par value of capital stock of banks.

## CHAPTER 141.

*An act to amend section four hundred forty-two of the Code of Civil Procedure, relating to cross-complaints.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

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

Affirmative relief, cross complaint may be filed

442. Whenever the defendant seeks affirmative relief against any party, relating to or depending upon the contract or transaction upon which the action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto as to the original complaint. If any of the parties affected by the cross-complaint have not appeared in the action, a summons upon the cross-complaint must be issued and served upon them in the same manner as upon the commencement of an original action.

## CHAPTER 142.

*An act to amend section six hundred thirty-six and one-half of the Penal Code, relating to the protection of fish.*

[Approved April 28, 1915. In effect August 8, 1915.]

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

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

Use of paranzella or trawl net.

636½. Every person who, at any time shall cast, extend, set, draw, use or continue or assist in casting, extending, setting, drawing, using or continuing any paranzella or trawl net, for catching fish, shellfish, shrimp or crabs in the waters of the State of California or has such nets in possession in fish and game district nineteen, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than three hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Penalty.

CHAPTER 143.

*An act to amend an act entitled "An act providing for the time of payment of wages," approved May 1, 1911, by amending section three thereof, providing penalties for the violation of said act.*

[Approved April 28, 1915. In effect August 8, 1915]

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

SECTION 1. Section three of an act entitled "An act providing for the time of payment of wages," approved May 1, 1911, is hereby amended to read as follows:

Sec. 3. In the event that any employer shall fail to pay, without abatement or deduction, within five days after the same shall become due under the provisions of section one of this act, any wages of any employee who is discharged or who resigns or quits, as in said section one provided, then as a penalty for such non-payment the wages of such servant or employee shall continue from the due date thereof at the same rate until paid; or until an action therefor shall be commenced; *provided*, that in no case shall such wages continue for more than thirty days; *and provided, further*, that no such employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment. In the happening of any strike, the unpaid wages of such striking employees earned prior to the occurrence thereof shall become due and payable upon the employer's next regular pay day, and if then paid or tendered, the provisions of this section shall have no application.

Payment of wages of employee leaving service.

In case of strike

Every person indebted to another for labor, or any agent of any person, co-partnership, association or corporation so indebted, who, having the ability to pay, shall wilfully refuse to pay the same, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure, for himself or any other person, any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is due, shall be guilty of a misdemeanor.

Refusal to pay wages due, misdemeanor.

## CHAPTER 144.

*An act providing for the building of a bridge across the Colorado river at Needles, California, and making an appropriation therefor.*

[Approved April 25, 1915. In effect August 8, 1915.]

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

Appropriation bridge across Colorado river.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, not to exceed the sum of twenty-five thousand dollars, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado river, at or near Needles, in the State of California and near Topock in the State of Arizona, to be paid to and expended under the direction of the secretary of the interior of the United States in the construction of a bridge when and as recommended by said secretary of the interior.

California to pay half of maintenance.

SEC. 2. It is further provided that the State of California assumes responsibility for the payment of one-half the cost of the maintenance and repair of said bridge and the approaches thereto, it being understood and agreed that the State of Arizona assumes responsibility for the payment of one-half the cost of maintenance and repair of the bridge and the approaches thereto; and it being further understood that the county of San Bernardino will pay all cost of maintenance and repair of the approach to said bridge on the California side while the same remains under the jurisdiction of said county.

SEC. 3. The state controller is hereby authorized to draw his warrant on the general fund for said sum of twenty-five thousand dollars in favor of such person as the secretary of the interior may designate, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 145.

*An act to repeal an act entitled "An act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland national forest, formerly San Jacinto forest reserve (and referred to in that certain act entitled 'An act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said act,' approved March 21, 1907) as may remain after the settlement referred to in said act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the state and which said lands so surrendered were thereafter sold and patented by said state," approved March 20, 1909.*

[Approved April 29, 1915 In effect August 8, 1915]

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

SECTION 1. An act entitled "An act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland national forest, formerly San Jacinto forest reserve (and referred to in that certain act entitled 'An act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said act,' approved March 21, 1907) as may remain after the settlement referred to in said act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the state and which said lands so surrendered were thereafter sold and patented by said state," approved March 20, 1909, is hereby repealed, said act being superseded by an act approved December 24, 1911, entitled "An act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the state for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof."

Act regarding Cleveland national forest repealed.

Superseded by act of 1911.

CHAPTER 146.

*An act to amend section five hundred ninety-nine of the Civil Code of the State of California, relating to what may be provided for in the by-laws, ordinances, constitutions or articles of incorporation of corporations now organized or that may hereafter be organized for purposes other than profit.*

[Approved April 29, 1915. In effect August 8, 1915.]

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

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

Non-profit corporations may provide for

599. Corporations now organized or that may hereafter be organized for purposes other than profit, may, either in their by-laws, ordinances, constitutions, or articles of incorporation, provide for:

Qualification of members. Fees.

(1) The qualification of members, mode of election or appointment, and terms of admission to membership;

(2) The fees of admission and dues to be paid to their treasurer by members;

Quorum.

(3) The number of persons that shall constitute a quorum at any meeting of the members of the corporation, and the number of directors who shall constitute a quorum at any meeting of the board of directors, and the election of directors or other officers of the corporation by a meeting of the members of the corporation so constituted, or by a meeting of the board of directors so constituted, and the appointment or selection of directors, or other officers, in any manner; and if any corporation now organized, or that may hereafter be organized, for purposes other than profit, does in its by-laws, ordinances, constitutions or articles of incorporation, provide for an election of directors or other officers of the corporation by a meeting of the members of the corporation so constituted, or by a meeting of the board of directors so constituted, or for the appointment or selection of directors or other officers, in any manner, then such election or appointment or selection shall be as valid as if made at an election at which a majority of the members of the corporation were present and voted;

Election of directors.

Manner of voting.

(4) The manner of voting by the members of the corporation, which may be by ballot in the manner provided for by section three hundred twenty-one b of this code, or in any other manner provided for by the by-laws, ordinances, constitutions, or articles of incorporation of any corporation now organized, or that may hereafter be organized, for purposes other than profit;

Expulsion of members.

(5) The expulsion and suspension of members for misconduct or non-payment of dues, also for restoration to membership;

(6) A special method of organizing the board of directors, and a special method of increasing or diminishing the number of directors within the limits as to number prescribed by section five hundred ninety-three of this code; Organization of board, etc.

(7) Contracting, securing and limiting the amount of their indebtedness; Indebtedness.

(8) That the rules, regulations or discipline, for the time being, of any society, religious denomination, church, or other corporation, now organized or which may hereafter be organized for purposes other than profit, shall always be a part of their by-laws, ordinances, constitutions or articles of incorporation; Rules, regulations, discipline.

(9) Other regulations not repugnant to the constitution or laws of the state and consonant with the objects of the corporation. Further regulations.

CHAPTER 147.

*An act to add to the Code of Civil Procedure a new section to be known and numbered section one hundred three b, relating to justices' court clerk and fixing the powers and duties.*

[Approved April 29, 1915. In effect August 8, 1915.]

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

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

103b. In any township in a county of the seventh class having more than one justice of the peace as provided in section one hundred three of the Code of Civil Procedure, where in the opinion of the board of supervisors of the county, the public convenience requires it, said board may, by order, authorize a justices' court clerk and necessary deputies or a justice's court clerk for each justice of the peace for such township to be appointed, maintained and supported as hereinafter provided. Said justices when so authorized as hereinabove provided shall appoint a justices' clerk, who shall hold office at the pleasure of said justices, and shall give such bond for the faithful performance of the duties of his office in the sum of one thousand dollars. Each justice shall also appoint one deputy clerk when so authorized who shall hold office at the pleasure of the justice appointing him and perform such duties as shall be required by said justices and justices' clerk. Such justices' clerk, and such deputy clerks shall be authorized to administer oaths, take and certify affidavits; and they shall each be authorized to issue and sign writs, summons, and all other process in any action or proceeding in the justice court of the township for which they are appointed, or pending before any justice of the peace of said Justices' clerks for counties of 7th class.

Appoint-ment.

Authorized to administer oaths, etc

township in the name of the justice before whom the same is pending or out of whose court the same is issued, which shall be in substantially the following form:

-----,  
Justice of the Peace.  
-----,  
Clerk.

By-----,  
Deputy Clerk.

Shall issue legal papers.

Salary of clerk without deputy.

Shall keep account of fees.

Salaries of clerk and deputies.

Hours of duty.

All legal papers of every kind in actions or proceedings in such justices' court shall be issued by the said justices' clerk in the manner and form hereinabove set out. The said justices' clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by the said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in said justices' court shall be filed with such justices' clerk who shall keep a permanent record of all such actions and proceedings in the justices' docket, now provided by law to be kept by the justice; *provided*, that in the event that the said board of supervisors shall deem one justice's clerk for each justice of the peace sufficient to perform the duties hereinabove set out, said board shall authorize the appointment of one justice's clerk for each justice of the peace and one clerk shall be appointed by each of said justices and no deputy clerks shall be in such event appointed. And each of said clerks so appointed shall exercise the powers and fulfill the duties heretofore provided for a justice's clerk and shall receive a salary of twelve hundred dollars per year each. All fees for the issuance of all process, or other fees, which are by law allowed for any official service of the justice of the peace shall be exacted and paid in advance into the hands of the justice's clerk, which, together with all fees, fines, or penalties received in said justice's court shall be by him accounted for in detail under oath in the manner provided by law and paid into the treasury of the county at the time and in the manner as now required by law of the justice of the peace. Said justices' clerk shall receive a salary of fifteen hundred dollars per year and said deputy clerks shall each receive a salary of twelve hundred dollars per year, which shall be payable in like manner and out of the same funds and at like times as county officers are paid. The board of supervisors shall provide in a convenient locality a suitable office for the justices' clerk. The said justices' clerk shall be in attendance at his respective office in the discharge of official business daily from nine a. m. until five p. m. Nothing in this section shall in any way interfere with or terminate the term of office of any person now holding the office of justice of the peace.

CHAPTER 148.

*An act to authorize the surveyor general of the State of California to relinquish certain lieu lands to the United States.*

[Approved April 29, 1915. In effect August 8, 1915.]

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

SECTION 1. The surveyor general of the State of California is hereby authorized to relinquish to the United States any unlisted lieu land for which there is no pending application to purchase from the state, or upon the request of the holder of a certificate of purchase for such land, upon the surrender of the certificate of purchase issued by the state for the land; the holder of the certificate of purchase to convey to the State of California his interest in and to the land by a quitclaim deed and to furnish the surveyor general with satisfactory evidence that whatever title was conveyed by the state through the issuance of the certificate of purchase is vested in the State of California.

Surveyor  
general  
may  
relinquish  
certain  
lieu lands

CHAPTER 149.

*An act amending an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, by amending sections one, five, six, seven and eleven thereof.*

[Approved April 29, 1915 In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, is hereby amended to read as follows:

Sec. 1 The boundaries of any municipal corporation may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof, upon proceedings being had and taken as in this act provided. Any such new territory so proposed to be annexed to a municipal corporation must be contiguous thereto, or contiguous to territory that is contiguous to said municipal corporation, and which the voters of the territory have voted in favor of annexation

Municipal  
corporations  
may annex  
contiguous  
territory.

to said municipal corporation but the proceedings upon the annexation of said last named territory have not yet been determined by the vote thereon of said municipal corporation.

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

Municipal-  
ities  
having  
incurred  
indebted-  
ness shall  
so state in  
question to  
be voted  
on.

Sec. 5. Whenever any municipal corporation to which it is proposed to annex territory under the provisions of this act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition presented to the legislative body of such municipal corporation, as provided in section two of this act, may contain a request that the question to be submitted to the electors residing in the territory proposed by such petition to be annexed to such municipal corporation, shall be, whether such new territory shall be annexed to, incorporated in, and made a part of, said municipal corporation, and the property therein be, after such annexation, subject to taxation, equally with the property within such municipal corporation, to pay any such bonded indebtedness of such municipal corporation, outstanding at the date of the filing of such petition or theretofore authorized. If such request shall be made in said petition, proceedings shall be had thereon, and an election shall be called and held in the territory proposed to be annexed, the same in all respects as upon a petition presented under the provisions of section two of this act, excepting that the notice of election shall distinctly state the proposition to be submitted, to wit: that it is proposed to annex to, incorporate in, and make a part of, such municipal corporation, the territory sought to be annexed, specifically describing the boundaries thereof, and that the property therein, shall, after such annexation, be subject to taxation, equally with the property within such municipal corporation, to pay such bonded indebtedness of such municipal corporation, outstanding at the date of the said annexation, or indebtedness theretofore authorized and to be represented by bonds of such municipal corporation thereafter to be issued. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be payable on such indebtedness; and upon the canvass of the returns of the votes cast in any territory proposed to be annexed at any election held therein under the provisions of this section, if it shall appear that a majority of all the votes cast in such outside territory are in favor of annexation, the legislative body of such municipal corporation shall submit to the electors thereof the question whether such territory shall

Improve-  
ments  
for which  
indebted-  
ness was  
incurred  
to be  
specified

be annexed to, incorporated in and made a part of such municipal corporation. Such question may be so submitted to the electors of such municipal corporation in the same manner as provided in section three of this act, and if it shall appear from the canvass of the returns of the election in such municipal corporation at which such question shall have been submitted, that a majority of the qualified electors thereof voting upon the question of such annexation are in favor thereof, like proceedings shall thereupon be taken, and with the same force and effect as provided in sections three and four of this act. The provisions of sections two, three and four of this act, so far as applicable, shall apply to annexation under the provisions of this section. From and after the date of the filing in the office of the secretary of state of a copy of the record of the canvass of the returns of the election in such new territory and of the election in such municipal corporation at which the question of the annexation of the same new territory was submitted under the provisions of this section, and entered upon the minutes of the legislative body of such municipal corporation, as hereinbefore in this act provided, together with a statement showing the dates of such elections in said new territory and in such municipal corporation, and the time and result of canvass of the returns of such elections, the annexation of such territory so proposed to be annexed and described therein, shall be deemed, and shall be, complete, and thenceforth such annexed territory shall be, to all intents and purposes a part of such municipal corporation, and the property within such annexed territory shall be taxed to pay the bonded indebtedness or liability of such corporation, specified in said notice, equally with the property within such municipal corporation as it existed prior to the filing of such petition.

When  
annexation  
deemed  
complete

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

Sec. 6. Nothing in this act contained shall be construed to prevent the submission to the electors of any municipal corporation as separate propositions to be voted upon separately at one and the same election therein, of the questions of the annexation to any such municipal corporation of two or more bodies of outside territory, each of which is contiguous to such municipal corporation, or to one such body of outside territory that is contiguous. Whenever, upon proceedings had and taken and at elections called and held in accordance with the provisions of this act, the electors of each of two or more such bodies of outside territory have voted in favor of the annexation thereof to the same municipal corporation, the legislative body of such municipal corporation must submit to the electors thereof, as separate propositions, each to be voted upon separately and without regard to the others, the question whether each such bodies of new territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such questions may be so submitted at the next general municipal election to be held in such municipal corporation, or they

Propositions  
to annex  
two or  
more  
bodies of  
territory  
may be  
voted on  
at one time

may be so submitted prior to such general election, either at a special election called therein for that purpose, or at any other special election at which the submission of such questions is not prohibited by law. The notice of such election shall state, as separate propositions to be submitted at such election, the question of the annexation of each body of new territory, in the same manner as hereinbefore provided in the case of the notice of an election in such municipal corporation at which the question of the annexation of only one body of new territory thereto is submitted; and the question as to each such body of new territory, shall be printed upon the ballots to be used at such election and the same shall be voted upon, separately, in like manner as hereinbefore provided in the case of the submission of the question of the annexation of one body of such new territory. The provisions of section three of this act shall apply to such election in all respects the same as in the case of an election where only one such question is submitted; *provided, however*, that the annexation of any such body or bodies of new territory, upon the question or questions of the annexation of which a majority of the votes cast thereon at such election shall have been cast in favor thereof, shall not be affected or prejudiced in any manner, in the event that a majority of the votes cast at such election upon the question or questions of the annexation of any other body or bodies of new territory, shall have been cast against the annexation thereof, except that in the case of any such body of new territory which is not contiguous to said municipal corporation, but which is contiguous to one of said bodies of new territory that is contiguous to said municipal corporation, no majority vote in favor of such annexation of such body of new territory not contiguous to said municipal corporation shall be effective for any of the purposes of this act, unless also there shall have been cast at said election a majority vote in favor of the annexation of the said intervening body of new territory which is contiguous to said municipal corporation, and through which last named body of new territory contiguity with said municipal corporation is established by said body of new territory theretofore not contiguous with said municipal corporation.

Failure of one proposition does not affect others.

Case of territory not contiguous exception.

Questions deemed adopted

Record of canvass of returns

If it shall appear from the canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation voting separately upon the question or questions of the annexation of any one or more bodies of new territory, except as last above provided in this section, are in favor thereof, such question or questions shall be deemed adopted, and the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation, shall forthwith make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in each such body of new territory, at which the electors residing therein shall have voted in favor of the annexation thereof to such municipal

corporation, as hereinbefore provided, and of the canvass of the returns of the election in such municipal corporation at which the questions of the annexation of each such bodies of new territory were submitted, and entered upon its minutes as aforesaid, together with a statement showing the date of the elections in each such body of new territory, and in such municipal corporation, and the time and result of the canvass of the returns of such elections; *provided, however*, that the aforesaid record and statement as to any number of such annexations may be included in one document; *and provided, further*, that said clerk, or other officer, shall not include in said copy or statement any record of the votes cast or the elections held upon the proposition of the annexation of any such body of new territory, which proposition shall have failed of adoption under the provisions of this section. From and after the date of the filing of said document in the office of the secretary of state, the annexation of each body of new territory described therein, and so proposed to be annexed shall be deemed to be, and shall be complete, and thereafter each such body of annexed territory shall be, to all intents and purposes, a part of such municipal corporation, with the same force and effect as in the case of other annexations under this act.

Records  
not to  
include  
propositions  
that failed.

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

Sec. 7. Whenever a petition for the annexation of any new territory to any municipal corporation has been received by the legislative body thereof, as in this act provided, no petition, filed under this or any other act, asking for the annexation, in whole or in part, of the territory described in such petition, to any other municipal corporation, shall be presented to the legislative body of such other municipal corporation, and the last mentioned legislative body shall not submit the question of the annexation of such territory or any part thereof to the electors of such other municipal corporation, until the question of the annexation thereof to the municipal corporation whose legislative body received the petition first in this section mentioned shall have been submitted to the electors residing in such territory, and a majority of electors voting upon such question in such territory, shall have voted against the annexation thereof to such municipal corporation, or, in the event that a majority of the electors in such territory voting therein shall have voted in favor of the annexation thereof to such municipal corporation, until the question of such annexation shall have been submitted to the electors of such municipal corporation, and a majority of the electors thereof voting upon such question, shall have voted against the annexation thereof to such municipal corporation. In the event any election authorized by this act is not called or held in the manner or within the time specified in this act, all proceedings relating to such consolidation shall be and become null and void.

Petition for  
annexation  
to be made  
to only one  
municipality

Five electors may file notice of intention to circulate petition for annexation.

Resolution acknowledging notice of intention

Adverse result of election no new petition within fifteen days.

Act of 1889 not repealed.

Alternative method provided

Title of act

Any five electors of a district in which it is proposed to circulate a petition asking for annexation of the territory included in such district as herein provided, may file with the legislative body of the municipal corporation to which such territory is sought to be annexed, a notice declaring their intention to circulate and file a petition asking for the annexation of the territory included in such district and described in said notice. Upon the receipt of any such notice of intention, such legislative body may, within five days thereafter, adopt a resolution acknowledging the receipt thereof and approving the intention of the petitioners to circulate such petition. Within thirty days after the adoption of such resolution no petition filed under this or any other act, asking for the annexation of all or any portion of the territory described in said notice of intention shall be filed with any other municipal corporation. If, upon the holding of the election in the territory sought to be annexed to said municipal corporation in the manner herein provided, the result of such election is adverse to such annexation, no new petition embracing the same territory, or any portion thereof, shall be filed with said municipal corporation within fifteen days after the result of such election has been canvassed and declared.

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

Sec. 11. This act shall not repeal an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, or acts amendatory to said act, but is intended and does provide an alternative method for the annexation of territory to municipal corporations. When any proceedings for the annexation of territory to any municipal corporation are commenced under this act, the provisions of this act, and of such amendments thereof as may hereafter be adopted, and no other, shall apply to such proceedings. This act may be designated and referred to as the "annexation act of 1913."

CHAPTER 150.

*An act to amend an act entitled "An act to provide for the consolidation of municipal corporations," approved June 11, 1913, by amending sections five, seven, ten, eleven and fourteen, and by adding a new section thereto to be numbered section thirteen and one-half, relating to certain non-contiguous municipal corporations.*

[Approved April 29, 1915. In effect August 8, 1915.]

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

SECTION 1. Section five of an act entitled "An act to provide for the consolidation of municipal corporations," approved June 11, 1913, is hereby amended to read as follows:

Sec. 5. Whenever any two municipal corporations are proposed to be consolidated, under the provisions of this act, and either or both of such municipal corporations shall have theretofore incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition provided for in section two of this act may contain a request that the question to be submitted to the electors of the municipal corporation proposed to be consolidated shall be, whether such municipal corporations shall be consolidated, as hereinbefore in this act provided, and the property in such municipal corporations, shall after such consolidation, be subject to taxation at the same rate, to pay any of such bonded indebtedness specified in said petition; *provided, however,* that if such petition contains a request that the property in such municipal corporations be, after such consolidation, subject to taxation to pay all of the bonded indebtedness incurred or authorized of such municipal corporations, such bonded indebtedness and improvements for which such bonded indebtedness was incurred or authorized may be described in such petition and in all other proceedings hereunder as "the bonded indebtedness of ----- (insert the names of the municipal corporations)." without specifying the improvements. If such request be made in such petition, proceedings shall be had thereon and the question of such consolidation shall be submitted to the electors in such municipal corporation not having the greatest population, the same in all respects as upon a petition presented under the provisions of section two, excepting that the notice of election shall, in addition to the matters required by said section, distinctly state that it is proposed that the property in such municipal corporations shall be taxed at the same rate to pay such bonded indebtedness set forth in said petition. Except as hereinabove provided, the said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and

Consolidation of municipalities having bonded indebtedness.

Notice of election to state property to be taxed for bonded indebtedness

the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be payable on such indebtedness.

Canvass of  
returns

The returns of such election held in pursuance of such notice shall be canvassed, as provided in section two of this act, by the legislative body of the municipal corporation in which such election was held, and immediately upon the completion of such canvass, such legislative body shall declare the result of such election and shall cause a record of such canvass to be made and entered upon its minutes, as provided in said section two, and there shall be included in such record a statement of such bonded indebtedness incurred and outstanding, or authorized, as set forth in the notice of such election, for the payment of which the property in said municipal corporations shall be subject to taxation as set forth in the notice of such election. If it shall appear from such canvass that a majority of all votes cast at such election upon the question of such consolidation, are in favor thereof, the clerk of such legislative body in which such election was held shall forthwith deliver a copy in duplicate of such record and statement to the clerk of the legislative body of the other of the municipal corporations so proposed to be consolidated, and having the greatest population. Thereupon the question of such consolidation shall be submitted to the electors of such other municipal corporation at an election therein in the same manner in all respects as provided in this section for the submitting to the electors in such municipal corporation not having the greatest population, and, in other respects, in the same manner as provided in section three of this act. Upon the canvass of the returns of such election, if it shall appear therefrom, that a majority of the votes cast at such election in such other municipal corporation having the greatest population, upon the question of such consolidation, are in favor thereof, the same proceeding shall be had as provided in section four of this act, and such consolidation shall be deemed to be, and shall be, completed in the same manner, and with the same effect as in said section provided. After the completion of the consolidation of such municipal corporations, as hereinbefore provided, the property in said municipal corporations so consolidated shall thereafter be taxed at the same rate, to pay such bonded indebtedness set forth in said petition.

Question of  
consolidation  
submitted.

Consolidation  
deemed  
complete.

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

Municipal-  
ities to  
petition  
for only one  
consolidation at a  
time.

Sec. 7. Whenever a petition for the consolidation of any two municipal corporations has been received by the legislative body of one of them as in section two of this act provided, no other petition, filed under this or any other act, asking for the consolidation of the municipal corporation, whose legislative body received such petition, to any other municipal corporation shall be presented to the legislative body of such municipal corporation, and such legislative body shall not submit the question of

the consolidation of such municipal corporation to any other municipal corporation, until the question of the consolidation of the municipal corporation whose legislative body received the petition first in this section mentioned, shall have been submitted to the electors residing therein, and a majority of electors voting upon such question in such municipal corporation, shall have voted against such consolidation: or, in the event that a majority of the electors of such municipal corporation shall have voted in favor of such consolidation, until the question of such consolidation shall have been submitted to the electors of the one of such municipal corporations having the greater population and a majority of the electors of such last mentioned municipal corporation voting upon such question, shall have voted against such consolidation. In the event any election authorized by this act is not called or held in the manner or within the time specified in this act, all proceedings relating to such consolidation shall be and become null and void. Any five electors of a municipal corporation in which it is proposed to circulate a petition asking for the consolidation of said municipal corporation with another municipal corporation having a greater population as herein provided, may file with the legislative body of the municipal corporation having the greater population a notice declaring their intention to circulate and file a petition asking for the consolidation of the said municipal corporation having the lesser population described in said notice. Upon the receipt of any such notice of intention, such legislative body may, within ten days thereafter, adopt a resolution acknowledging the receipt thereof and approving the intention of the petitioners to circulate such petition. Within thirty days after the adoption of such resolution no petition filed under this or any other act, asking for the consolidation of the municipal corporation described in said notice of intention shall be filed with the legislative body thereof. If, upon the holding of the election in the municipal corporation having the lesser population in the manner herein provided, the result of such election is adverse to such consolidation, no new petition or notice of intention to circulate such petition for the consolidation of the same municipalities, shall be filed within fifteen days after the result of such election has been canvassed and declared.

Five electors may file notice of intention to circulate petition for annexation.

Resolution acknowledging notice of intention

Adverse result of election no new petition within fifteen days.

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

Sec. 10. Except as in this act provided, any consolidation of municipal corporations effected under the provisions of this act shall not affect any debts, demands, liabilities or obligations of any kind existing in favor of or against any such municipal corporations so consolidated, at the time of such consolidation, or any action or proceeding then pending in any court in which any such debt, demand, liability or obligation of any kind may be involved, or any action or proceeding brought by or against any such municipal corporation prior to such consolidation; but all such proceedings shall be continued

Debts, etc., not specified, to remain debt of city incurring

Ordinances  
of municipal-  
ities having  
smaller  
population  
deemed  
repealed.

Exceptions

and concluded, by final judgment or otherwise, in all respects the same as if such consolidation had not been effected. All such rights or liabilities shall be and become the rights and liabilities of the consolidated city. All ordinances of any municipal corporations consolidated under the provisions of this act, except those of the one having the greater or greatest population, shall immediately, upon such consolidation being effected, be deemed to be repealed and of no further force and effect; *provided, however*, that such repeal shall not operate to discharge any person from any liability, civil or criminal, then existing, nor to affect any prosecution then pending for any violation of any such ordinances; and all cases then pending in any justice's court, police court or court of any recorder, or other judicial municipal magistrate or officer of any of the municipal corporations so consolidated, except of the one having the greater or greatest population, shall, upon such consolidation being effected, *ipso facto* be deemed to be and be transferred to the justice's court, police court or court of any recorder, or other judicial municipal magistrate or officer of the one of such municipal corporations having the greater or greatest population which has jurisdiction of proceedings or misdemeanors or of other actions, civil or criminal, of the character so transferred; *provided, further*, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements, or to proceedings for opening, extending, widening or straightening streets or other public places, or to proceedings for changing the grade thereof, all of which proceedings shall be *continued and conducted by and under the authority of the municipal corporation so consolidated having the greater or greatest population, with the same force and effect as if continued and conducted by and under the authority of the municipal corporation by which they were commenced.* And all ordinances of the one of the municipal corporations consolidated under the provisions of this act having the greater or greatest population shall, upon the completion of such consolidation, *ipso facto* have full force and effect in and throughout the consolidated municipal corporations.

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

No property  
to be taxed  
for out-  
standing  
indebtedness  
except that  
acted upon

Sec. 11. That no property in any of the municipal corporations consolidated under the provisions of this act shall ever be taxed to pay any portion of any indebtedness or liability of any of the other such municipal corporations, contracted or incurred prior to or existing at the time of such consolidation, unless the proceedings for such consolidation shall have been had in accordance with the provisions of section five of this act, in which event the property in such municipal corporations shall be taxed as provided in said section. The legislative body of the one of the municipal corporations consolidated under the provisions of this act, having the greater or greatest population, shall provide for the payment of the indebtedness or liability.

not otherwise in this act provided for, of each of the municipal corporations consolidated therewith in the following manner, to wit: Said city shall levy and collect the necessary taxes therefor, in each such city respectively, and for that purpose, and for all other purposes, such greater or greatest in population of any municipal corporations consolidated under the provisions of this act, and its officers, shall be deemed the successor and successors of such other municipal corporations so consolidated therewith and their respective officers.

SEC. 5. Said act is hereby amended by adding a new section thereto to be numbered section thirteen and one-half, and to read as follows:

Sec. 13½. Two municipal corporations not contiguous to each other, may vote upon the question of consolidation and may consolidate in the manner and under the conditions set forth in this section, and not otherwise. Whenever unincorporated territory contiguous to two municipal corporations not contiguous to each other, has voted in favor of annexation to the one of said municipal corporations having the larger population, but the proceedings upon such annexation have not yet been determined by the vote thereon of said municipal corporation having the larger population, then said municipal corporations may vote upon the question of consolidation, and may consolidate as elsewhere in this act provided for voting upon the consolidation of municipal corporations and the consolidation thereof: but no affirmative vote given upon the question of the consolidation of such municipal corporations shall be effective for any purpose whatever, unless at or before the time of the voting upon the question of such consolidation by the said municipal corporation having the larger population, said last named municipal corporation shall vote or shall have voted in favor of the annexation of said unincorporated territory contiguous to both said municipal corporations.

Municipal corporations not contiguous may consolidate

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

Sec. 14. This act shall not repeal an act entitled "An act to provide for the consolidation of municipal corporations," approved March 11, 1909, or acts amendatory to said act, but is intended to and does provide an alternative method for the consolidation of municipal corporations. When any proceedings for the consolidation of municipal corporations are commenced under this act, the provisions of this act, and of such amendments thereof as may hereafter be adopted, and none other, shall apply to such proceedings. This act may be designated and referred to as the "municipal consolidation act of 1913."

Act of 1909 not repealed

Alternative method provided

Title of act.

## CHAPTER 151.

*An act to amend section six hundred twenty-three of the Political Code of the State of California, relating to the bonds of insurance companies.*

[Approved April 29, 1915 In effect August 8, 1915]

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

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

Insurance  
companies  
must file  
bond.

Conditions

Subject to  
same rules  
as official  
bonds

Securities  
in lieu  
of bond

623. The commissioner must require every company now transacting or proposing to transact insurance business by agent or agents in this state, before commencing such business to file in his office a bond in favor of the people of the State of California, to be signed by the company as principal, with two sureties, to be approved by the commissioner, in the penal sum of twenty thousand dollars, the condition of such bonds to be as follows: (1) The company and its agents will pay all state, county, and municipal property and license taxes, in the manner and at the time prescribed by law; (2) that the company named therein will conform to all the provisions of the revenue and other laws made to govern them; (3) and that the company will promptly pay all fees, assessments, taxes, penalties and fines that may be laid upon or against such company. Such bonds may be sued on in the same manner and shall be subject to the same rules governing official bonds, except that such bonds may be made applicable alike to the first and all subsequent license periods for which renewals of certificates of authority are issued. Any insurance company may deposit with the insurance commissioner, in lieu of such bond, securities of the kind and character set forth in section four hundred twenty-one of the Civil Code of the State of California, in the sum of twenty thousand dollars and shall be held in trust by the insurance commissioner for the fulfillment of the terms and conditions above set forth. Such securities may be withdrawn at any time and new securities of equal value deposited in lieu thereof, and may be withdrawn whenever a bond is filed as provided in this section.

CHAPTER 152.

*An act to amend the Political Code of the State of California by adding a new section thereto to be designated section one thousand one hundred ninety-four, relating to the preservation and subsequent destruction by the secretary of state of initiative, referendum and recall petitions.*

[Approved April 29, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Political Code to be designated section one thousand one hundred ninety-four and to read as follows:

1194. The secretary of state shall preserve for a period of four years in his office all initiative, referendum and recall petitions filed therein under the provisions of law and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending.

Length of time for keeping initiative, etc., petitions.

CHAPTER 153

*An act to amend section six hundred forty-seven of the Civil Code, relating to building and loan associations.*

[Approved May 3, 1915. In effect August 8, 1915.]

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

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

647. Any building and loan association may invest in or loan upon bonds of the United States, of the State of California, or of any county, municipality or school district of said state, or of any public utility corporation, and may also invest in or loan upon notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter VIII, of title II of part IV of division first of the Civil Code, the total of which investments at any time shall not exceed twenty-five per centum of the assets of such association; *provided, however,* that any such loan or investment made by such association must be approved by the official, or officials, vested with the powers of supervision and license.

Building and loan associations may invest in certain bonds.

Approval by official vested with power of supervision

## CHAPTER 154.

*An act authorizing suits against the state to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.*

[Approved May 3, 1915. In effect August 8, 1915.]

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

Suit may be brought for title to marsh and tide lands.

SECTION 1. In any case where the State of California has sold any land or lands under the provisions of the following named acts, or any of them, to wit: An act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California," approved March 30, 1868; an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,' approved March thirtieth, eighteen hundred and sixty-eight," approved April first, 1870; and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,' approved March thirtieth, eighteen hundred and sixty-eight; also an act approved April first, eighteen hundred and seventy," approved March 30, 1874, to any person or persons and full payment has been made therefor to the State of California, and either no deed or patent has been made or delivered by or on behalf of the State of California, or the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of the county recorder of any county wherein any of such land is situated, the person or persons claiming or deraigning title to any such lands through or under any purchase thereof from the State of California, is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, the title of the plaintiff may be quieted against the State of California in and by such judgment, whether or not any such deed or patent has been made or delivered.

Title quieted.

Provisions of law relating to suits to quiet title apply.

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the state in any such suit, no costs shall be allowed against the state.

Time of commencing

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

SEC. 4. Service of summons in such suits shall be made on the surveyor general and the attorney general Summons.

CHAPTER 155.

*An act to amend section one of an act entitled "An act to provide for direct legislation by cities and towns, including initiative and referendum," approved January 2, 1912.*

[Approved May 3, 1915 In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act to provide for direct legislation by cities and towns, including initiative and referendum," approved January 2, 1912, is hereby amended to read as follows:

Section 1. Ordinances may be enacted by and for any incorporated city or town of the state in the manner following: Any proposed ordinance may be submitted to the legislative body of such city or town by a petition filed with the clerk of such legislative body after being signed by qualified electors of the city or town not less in number than the percentages hereinafter required. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town, and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the city or town. Within ten days from the date of filing such petition, the clerk shall examine, and from the records of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action on the petition shall be mandatory on the legislative

Manner of enacting ordinances

Petition

Contents

Affidavit

Examination by clerk

Supplemental petitions when needed

Petition submitted to legislative body

body; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same or similar effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body at its next regular session. If the petition accompanying the proposed ordinance be signed by not less than fifteen per cent of the electors of such city or town, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the legislative body shall either:

Ordinance passed

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented; or,

Special election

(b) Forthwith, the legislative body shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the electors of the city or town.

Regular election

If the petition be signed by not less than ten per cent of the electors of such city or town, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the electors at a special election, and is not passed without change by said legislative body, then such ordinance, without alteration, shall be submitted by the legislative body to a vote of the electors at the next regular municipal election. The ballots used when voting upon said proposed ordinance shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?"

Ballots

Opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city or town, and be considered as adopted upon the date that the vote is canvassed and declared by the canvassing board, and go into effect ten days thereafter. Such ordinance shall have the same force and effect as one passed by the legislative body of the city or town, except that no ordinance proposed by petition as in this section provided, and thereafter passed by the vote of the legislative body of the city or town without submission to a vote of the people, or voted upon and adopted by the people, shall be repealed or amended, except by a vote of the people, unless provision otherwise be made in the ordinance itself. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this statute; *provided*, that there shall not be held under this statute more than one special election in any period

Ordinance adopted.

Ordinance proposed by people repealed only by vote of people

Any number may be voted on at once.

of six months. If any measure be submitted upon an initiative petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the legislative body. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control. The legislative body of the city or town may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance, or for amendments thereto, or for the enactment of any new ordinance, to be voted upon at any succeeding regular or special municipal city or town election, and if such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed, amended or enacted accordingly. Whenever any ordinance or proposition is required by this statute to be submitted to the voters of a city or town at any election, the clerk of the legislative body shall cause the ordinance or proposition to be printed and he shall mail a copy thereof, enclosed in an envelope with a sample ballot to each voter at least ten days prior to the election. All the provisions of this statute are to be liberally construed for the purpose of ascertaining and enforcing the will of the electors. The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form: "The people of the city (or town) of ----- do ordain as follows: ". When a special election is to be called under the terms of this section, it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held as nearly as may be in accordance with the election laws of the state; *provided, however*, that, to avoid holding more than one such election within any six months, the date for holding such special election may be fixed later than sixty days, but at as early a date as practicable after the expiration of such six months, *provided, further*, that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within six months prior to a regular municipal election, the legislative body may in its discretion, submit the proposed ordinance at such regular election instead of at a special election. Except an ordinance calling or otherwise relating to an election, no ordinance passed by the legislative body of a city or town, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths vote of the legislative body of

Argument for measure submitted by initiative petition.

Legislative body may submit ordinances

Sample ballot mailed to voters.

Liberal construction

Enacting clause

Time of calling special election

Time ordinances go into effect

**Protest.** a city or town, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition, signed by not less than ten per cent of the electors of such city or town, protesting against the passage of such ordinance, be presented to the legislative body, the same shall thereupon be suspended from going into operation, and it shall be the duty of the legislative body to reconsider such ordinance. If said legislative body shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a regular municipal election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

**In cities having mayor with veto power**

In cities or towns having a mayor (or like officer), with the veto power, the passage of an ordinance petitioned for by the electors, followed by its veto by the mayor (or like officer) and the failure of the legislative body to pass the same over such veto, shall be deemed and treated as a refusal of the legislative body to pass the ordinance, within the meaning of this statute, and a vote of the legislative body in favor of the repeal of an ordinance previously passed (but protested against by the electors as herem provided for) followed by a veto of such repeal by the mayor (or like officer) and the failure of the legislative body to pass said repeal over said veto, shall be deemed and treated as a refusal to repeal the ordinance so protested against. In such city or town the date of approval of an ordinance by the mayor or like officer (or of the expiration without his action thereon of the time within which he may veto the same, if such expiration of time for his action without his approval or veto has the effect of making the ordinance a law) shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this statute. Any duty herein in terms, or by reasonable implication, imposed upon the legislative body in regard to calling an election, or in connection therewith, shall be likewise imposed upon any mayor, or any other officer having any duty to perform connected with the elections, so far as may be necessary to fully carry out the provisions of this statute.

**Duty of legislative body also duty of mayor**

CHAPTER 156.

*An act to recognize and declare valid all proceedings in La Mesa, Lemon Grove and Spring Valley irrigation district.*

[Approved May 3, 1915. In effect August 8, 1915]

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

SECTION 1. La Mesa, Lemon Grove and Spring Valley irrigation district as formed by the board of supervisors of San Diego county, State of California, and as now existing, is hereby recognized and declared valid and all proceedings on organization and formation are hereby approved and declared valid.

La Mesa,  
Lemon Grove  
and Spring  
Valley  
irrigation  
district  
validated

CHAPTER 157.

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

[Approved May 3, 1915. In effect—see subsections 1, 4]

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

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

4260. In counties of the thirty-first class the county and township officers shall receive as compensation for the services required of them by law and by virtue of their offices, the following salaries and fees, to wit:

Counties of  
31st class,  
salaries of  
officers.

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be nine hundred dollars per annum, payable as the salaries of county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

County  
clerk.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand two hundred fifty dollars

Sheriff  
Recorder

per annum, *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred dollars in one month so collected; *and provided*, that in counties of this class the recorder may appoint two copyists for service in his office, which office of copyists for the county recorder is hereby created, and said copyists shall receive as compensation for their services the sum of five hundred forty dollars each per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor

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

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax collector  
Assessor.

6. The tax collector, one thousand dollars per annum.

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

District attorney

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

Coroner

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

Administrator.

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

Superintendent of schools

11. The superintendent of schools, eighteen hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable

the same as the salary of county officers; *provided*, that he shall keep his office open from nine o'clock a.m. to five o'clock p.m. of each business day

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

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

Townships having a population of fifty-eight hundred or more shall belong to and be known as townships of the first class: townships having a population of four thousand and less than fifty-eight hundred shall belong to and be known as townships of the second class; townships having a population of three thousand and less than four thousand shall belong to and be known as townships of the third class; townships having a population of twenty-two hundred and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of seventeen hundred and less than twenty-two hundred shall belong to and be known as a township of the fifth class; townships having a population of twelve hundred and less than seventeen hundred shall belong to and be known as townships of the sixth class; townships having a population of six hundred and less than twelve hundred shall belong to and be known as townships of the seventh class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the eighth class; townships having a population of less than three hundred shall belong to and be known as townships of the ninth class. Population classification.

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

becomes effective and ending December 31, 1915, and thereafter a salary of six hundred dollars per annum; in townships of the fifth class, the sum of three hundred twenty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of three hundred twenty dollars per annum; in townships of the sixth class, the sum of two hundred forty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the seventh class, the sum of one hundred eighty dollars for the period beginning with the date upon which this act becomes effective and ending with December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the eighth class, the sum of one hundred twenty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the ninth class, the sum of sixty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

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

**Fees.**

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

**Constable.**

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies, for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent. to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons

are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveled outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner. The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed three hundred dollars in any one year, to be allowed as any other claim by the board of supervisors. Supervisors

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

17. In counties of the thirty-first class, the sheriff, county clerk, district attorney, assessor, tax collector, recorder, coroner, public administrator, and each and every justice of the peace in said counties, and each and every constable in said counties, shall make and file with the county clerk of said county, on the first day of each year, a statement in writing and verified by the oath of each official respectively making the same, setting forth in detail all fees, commissions, percentages, emoluments and moneys received for official services of every kind and description, during the last preceding year; a failure so to do shall be and constitute a waiver of all future fees to be paid to and retained by said official as compensation and shall be and constitute a bar to the retention or recovery of any fees, commissions, or percentages for compensation. Statements  
of fees,  
commissions,  
etc

CHAPTER 158.

*An act to amend section nine hundred fifty-six of the Code of Civil Procedure, relating to what may be reviewed on appeal from judgment.*

[Approved May 3, 1915. In effect August 8 1915.]

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

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

What may be reviewed on appeal from judgment

956 Upon an appeal from a judgment the court may review the verdict or decision, and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment, or which substantially affects the rights of a party. The court may also on such appeal review any order on motion for a new trial. The provisions of this section do not authorize the court to review any decision or order from which an appeal might have been taken.

CHAPTER 159.

*An act regulating the sale and shipment of citrus fruits damaged by frost, and prescribing penalties for the violation of the provisions thereof.*

[Approved May 3 1915. In effect August 8, 1915.]

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

Unlawful to ship citrus fruit showing certain per cent of drying

SECTION 1. It is unlawful for any person, firm or corporation to ship, offer for shipment, sell or offer for sale citrus fruits in boxes or in bulk, if the contents of any package, or if the fruit in bulk contains fifteen per cent or more of citrus fruits which on a transverse section through the center, shows a marked drying in twenty per cent or more of the exposed pulp.

Commissioner of horticulture to enforce law

SEC. 2. It shall be the duty of the commissioner of horticulture and his deputies to enforce the provisions of this act and bring to the notice of the proper authorities any violation thereof. The commissioner and his deputies shall have full power to enter any place where oranges, lemons, or grapefruit are grown, picked, packed, shipped or offered for shipment, sold or offered for sale, to inspect such place or any part thereof.

SEC. 3. Any person, firm or corporation violating any provision of this act is guilty of a misdemeanor.

CHAPTER 160.

*An act to add a new section to the Political Code to be numbered four thousand two hundred sixty-three a, relating to and fixing the compensation of grand and trial jurors in the superior courts in counties of the thirty-fourth class and providing for the payment thereof.*

[Approved May 3, 1915 In effect August 8, 1915 ]

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

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

4263a. In counties of the thirty-fourth class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of three dollars, and mileage to be computed at the rate of thirty-five cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only; such mileage to be allowed but once during each session such jurors are required to attend; *provided*, that no one mileage shall exceed the sum of eleven dollars.

Counties of 34th class, compensation of jurors in superior court

Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

CHAPTER 161.

*An act authorizing the transfer of certain powers, duties and functions of certain cities and officers thereof to the officers of counties in which any such city is located.*

[Approved May 3, 1915 In effect August 8, 1915.]

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

SECTION 1 Any or all of the functions, hereinafter set forth, of any city organized under a freeholders' charter, authorized by the constitution of the State of California, and any or all of the powers, duties or functions of any officer, board or commission thereof, may be transferred to and performed by any officer, board or commission of the county in which such city is situated; *provided, however*, the transfer of such function is authorized to be made by the charter of such city, and such transfer is made in the manner required by such charter; *and provided, further*, that such transfer is approved on behalf of such county by resolution adopted by the board

Functions of cities under freeholders' charter may be transferred to county

Resolution  
of transfer

of supervisors of such county. Such resolution shall set forth the powers, duties or functions to be transferred to and performed by the specified officers, boards or commissions of such county, and the compensation to be paid by such city to such county for the services to be performed by such officers, boards or commissions. Any such transfer may be rescinded at any time by the joint action of such city taken in the manner provided by its charter, or by resolution of the governing body of such city, in case the manner of rescinding such transfer is not provided in such charter, and by resolution of the board of supervisors of such county. Any such transfer may be rescinded, upon one year's notice, by the separate action of such city or county, taken as aforesaid.

Transfer  
may be  
rescinded.Functions  
specified

SEC. 2. The functions of any city organized under a freeholders' charter, and the powers, duties or functions of the officers thereof, which may be transferred and performed as provided in section one of this act, shall be the powers, duties or functions relating to the assessment of property for taxation, the collection of taxes levied for municipal purposes, the collection of assessments, the sale of property for the nonpayment of taxes or assessments levied thereon, and such other powers, duties or functions as the charter of such city may authorize to be transferred and performed as provided by law

## CHAPTER 162.

*An act to amend section one thousand nine hundred eighty-nine of the Code of Civil Procedure, relating to the attendance of a witness before a court, judge, justice or other officer, out of the county in which the witness resides.*

[Approved May 3, 1915 In effect August 8, 1915]

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

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

Attendance  
of witness  
outside of  
county of  
residence.

1989. A witness is not obliged to attend as a witness before any court, judge, justice, or any other officer, out of the county in which he resides, unless the distance be less than fifty miles from his place of residence to the place of trial

CHAPTER 163.

*An act to amend sections eight hundred and seventy-five and eight hundred and sixty-eight of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as subsequently amended, relating to the powers of the president and presidents pro tem. of board of trustees of cities of the sixth class and the powers of boards of trustees of such cities*

[Approved May 4, 1915. In effect August 8, 1915.]

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

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

Sec. 875. In the absence of the president of the board of trustees from any meeting of said board, or in the event of his inability to act, a president pro tem. may be chosen by the board. The president or the president pro tem. shall preside at the meetings of the board of trustees, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said city or town. The president pro tem. may sign or approve any ordinance with the same force and effect as if signed by the president. The president or president pro tem. shall have power to administer oaths and affirmations, to take affidavits and to testify the same under their hands. The president or president pro tem. shall sign all conveyances made by said city or town, and all instruments which shall require the seal of the city or town. The president or president pro tem. is authorized to acknowledge the execution of all instruments executed by said city or town that require to be acknowledged.

Cities of 6th class, powers of president and president pro tem. of board of trustees.

SEC. 2. Section eight hundred sixty-eight of said act is hereby amended to read as follows:

Sec. 868. The board of trustees shall have the power to declare what constitutes a nuisance, and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance, and shall have the power by ordinance to make the expense of abatement of nuisances a lien against the property on which a nuisance is maintained, as well as to make such expense a personal obligation against the owner of such property. Said board of trustees shall also have power by ordinance to require and provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by

Power of board of trustees to abate nuisances

Power to require grass, etc., removed from sidewalk.

the sale of property or otherwise; and said board likewise shall have power by ordinance to require or provide for the removal from property, lands or lots of all weeds, rubbish or other material which may endanger or injure neighboring property or the health or welfare of residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lands or lots and to make provision for the enforcement of such lien by the sale of such property, lands or lots or otherwise.

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CHAPTER 164.

*An act to amend sections five and twenty-nine of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911.*

[Approved May 4, 1915 In effect August 8, 1915.]

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

Dairy  
products  
act of 1911  
amended

SECTION 1. Section five of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act." approved April 21, 1911, is hereby amended to read as follows:

Sec. 5. No person, firm or corporation shall sell, exchange, or offer or expose, or have in its possession for sale or exchange, any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, as and for pasteurized milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk product, as the case may be, nor use the word "pasteurize" or any of its derivatives in connection with the sale, designation, advertising, labeling or billing of any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk or cream which has been treated by the process of pasteurization, as defined and regulated in subdivision fifteen, section twenty-nine, of this act. It shall be unlawful for any person, firm or corporation to sell, offer for sale, or to cause or permit to be sold or offered for sale, any butter in prints or packages or otherwise other than by or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof.

Milk, etc., sold as pasteurized must conform to regulations of this act.

Butter must be sold in terms of pounds.

Sec. 2. Section twenty-nine of said act, approved April 21, 1911, is hereby amended to read as follows:

Sec. 29. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform to the following definitions and standards:

Definitions and standards

(1) Milk is the fresh, clean, lacteal secretion all parts of which within forty-eight hours, if raw, and within sixty hours, if pasteurized, last prior to its delivery to the consumer or purchaser shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than three per cent of milk fat, and not less than eight and five-tenths per cent of solids—not fat.

Milk.

(2) Skim milk is milk from which a part or all of the cream has been removed and contains not less than eight and eight-tenths per cent of milk solids.

Skim milk

(3) Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated. The standard of purity of condensed milk and evaporated milk shall be that proclaimed and established by the secretary of the United States department of agriculture.

Condensed milk.

(4) Condensed skim milk is skim milk from which a considerable portion of water has been evaporated, and contains not less than eighteen per cent of milk solids.

Condensed skim milk

(5) Cream is that portion of milk, rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen per cent of milk fat.

Cream.

(6) Evaporated cream, or clotted cream, is cream from which a considerable portion of water has been evaporated

Evaporated cream

- Milk fat (7) Milk fat, or butter fat, is the fat of milk and has a Reichert-Meissel number not less than twenty-four and a specific gravity not less than .905 (40 degrees C.).
- Butter (8) Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and a harmless coloring, and contains not less than eighty per cent of milk fat.
- Cheese (9) Cheese is the sound, solid, and ripened product made from milk or cream, by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and with or without salt and harmless coloring matter. All cheese marked "Full cream cheese," or "Full milk cheese," must contain in the water-free substance, not less than fifty per cent of milk fat. All cheese marked "Half skim cheese," must contain in the water-free substance not less than twenty-five per cent of milk fat. All cheese not plainly marked or branded as to its quality must contain in the water-free substance not less than fifty per cent of milk fat.
- Buttermilk (10) Buttermilk is that portion of the cream which remains after the separation and removal therefrom of the butter fat in the process of churning, without the addition of water.
- Ice cream (11) Ice cream is the frozen product, made from pure sweet milk or condensed milk or cream and sugar with or without a harmless flavoring or coloring, and contains not less than ten per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Fruit ice cream. (12) Fruit ice cream is the frozen product made from pure, sweet cream, sugar, and sound, clean, mature fruits, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Nut ice cream (13) Nut ice cream is the frozen product made from pure, sweet cream, sugar, and sound, non-rancid nuts, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Ice milk (14) Ice milk is the frozen product, containing less fat than ice cream, and made from pure, sweet milk and sugar, with or without a harmless flavoring or coloring, and contains not less than two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Pasteurization (15) The process of pasteurization, as applied to milk, skim milk, cream and milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees

Fahrenheit and of holding the same at the said temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than is necessary for such ripening or starting. All pasteurized cream or milk used in the manufacture of pasteurized butter and cheese, respectively, shall be pasteurized at and in the plant where such butter or cheese, as the case may be, is manufactured therefrom. Repasteurization of any milk is hereby expressly forbidden.

Repasteurization forbidden.

Also all apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and shall be equipped with a recording thermometer device which will accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any such milk, skim milk or cream must be approved by and at all times subject to the approval of the state dairy bureau, the state board of health, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health; and all persons, firms or corporations using pasteurizing apparatus within the State of California shall preserve and keep on file, for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the state dairy bureau, the state board of health, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Pasteurization apparatus to be kept clean.

CHAPTER 165.

*An act to amend section six hundred thirty-four of the Civil Code of the State of California, relating to building and loan associations, and to their installment or full paid investment certificates and security for investment certificate liabilities of the same*

[Approved May 3, 1915 In effect August 5, 1915.]

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

SECTION 1. Section six hundred thirty-four of the Civil Code of the State of California is hereby amended, so as to read as follows:

Capital of building and loan associations	<p>634. The capital of every such corporation shall be divided into shares of the matured or par value of one hundred or two hundred dollars each, as provided by the articles of incorporation, and shall be paid in by the subscribers in the manner provided by the by-laws. All such payments shall be called dues. Certificates shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the payment of a loan shall be called pledge shares, and all others, free shares. All shares matured and surrendered or canceled, shall become the property of the corporation and may be reissued. The capital shall consist of the accumulated dues together with the apportioned profits of the corporation, and shall be accumulated by the issuance of shares in "installment" form and, where the by-laws shall so provide, in any or all the following forms, viz: "full paid," "pass book or juvenile," and "guarantee."</p>
Dues	<p>(a) Installment shares shall be either "serial" or "permanent" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues and such amounts per share and at such times as the by-laws may provide, and such payments must continue on each share until, with the profits allotted thereto, it reaches its matured value or is withdrawn or canceled. On all such issues the dividends shall be apportioned or credited equally to each share in each series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Shares issued in "permanent" form may be issued at any time and the dividends thereon may be credited in the pass books of the members. Shares of either form may be issued in "classes" with a different periodical payment for each class designation, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends.</p>
Pledge shares.	<p>(b) Full paid shares shall be shares upon which a single payment of dues amounting to one hundred or two hundred dollars per share shall be paid at the time of subscription and upon which the holder shall be entitled to either a full participation in the net profits or to an agreed rate of dividends not exceeding six per cent per annum, payable semiannually in cash, to be specified in the body of the certificate issued. All such shares may be issued in separate classes as to participation, under regulations to be provided in the by-laws and which must be fully set forth in or upon each certificate issued.</p>
Free shares	<p>(c) Pass books or juvenile shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not less than seventy-five nor more than ninety per centum of the rate apportioned to installment shares, as the by-laws shall determine, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect until said shares reach their matured value</p>
Capital accumulated in certain forms.	
Installment shares either "serial" or "permanent."	
Full paid shares	
Pass book or juvenile shares	

or are withdrawn. Such shares shall be withdrawable under rules to be provided in the by-laws and fully set forth in the pass books issued. The matured value of this class of shares shall not exceed in volume twenty-five per centum of the matured value of all other shares in force. No membership fee, fine or forfeiture shall be chargeable against such shares.

(d) Guarantee stock shall be stock, provided by the by-laws, to be set apart and sold as a fixed, permanent or guarantee capital. When any such stock has been once so set apart, sold and issued, it shall thereafter remain as a fixed, permanent and guarantee capital, and shall be subjected to all the conditions and liabilities attaching to the paid in capital stock of other classes of corporations. Such guarantee stock shall protect and guarantee all other stockholders and creditors against any loss, and when once paid it must be kept unimpaired.

(e) Every corporation specified in this title issuing installment or full paid investment certificates, or both, shall at all times have issued and fully paid for, either an amount of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawable capital stock, or a reserve fund equal to ten per cent of the aggregate amount of its liability on its said installment investment certificates and full paid up investment certificates; *provided, however*, that the aggregate of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawable capital stock, or a reserve fund, of every building and loan association issuing installment or full paid investment certificates, or both, must equal the following percentages of its investment certificate liabilities:

- 1 Ten per centum of any amount up to and including one million dollars.
2. Seven and one-half per centum of any amount in excess of one million dollars, up to and including two million dollars.
3. Five per centum of any amount in excess of two million dollars, up to and including five million dollars.

(f) Corporations specified in this title, issuing guaranteed stock, may provide in their by-laws that a majority of the board of directors shall be selected from the holders of such stock.

(g) Every such corporation shall also have power, by its by-laws, to charge an entrance or withdrawal fee, for each share of stock it may issue, not exceeding one dollar on each share, and also to charge a transfer fee, not exceeding ten cents on each share, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made or permitted to be made against any shareholder, or against any of his shares hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be used in the payment of current or running expenses. (Amendment approved June 10, 1913; stats. 1913, p. 553. In effect August 10, 1913.)

## CHAPTER 166.

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

[Approved May 3, 1915. In effect August 8, 1915.]

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

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

Hunting  
female deer,  
spotted  
fawn, etc.  
misdemeanor

626c. 1. Every person, who hunts, pursues, takes, kills, destroys or has in his possession any female deer, spotted fawn, spiked buck, antelope or mountain sheep, is guilty of a misdemeanor.

Hunters to  
retain  
portion of  
head bearing  
horns

2 Every person taking or killing any deer must retain in his possession, during the open season, and for ten days after the close of the open season, the skin and portion of the head bearing the horns, and must produce this upon the demand of any officer authorized to enforce the fish and game laws. Any person failing to comply with the provisions of this section is guilty of a misdemeanor.

"Spiked  
buck"  
defined.

3. For the purpose of this act, any male deer with straight, unbranched horns, or antlers, shall be considered a "spiked buck."

## CHAPTER 167.

*An act to amend section fourteen of an act entitled "An act creating a board of pilot commissioners for the harbor of San Diego, defining their duties and fixing their compensation," approved March 2, 1911.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

SECTION 1. Section fourteen of that certain act entitled "An act creating a board of pilot commissioners for the harbor of San Diego, defining their duties and fixing their compensation," is hereby amended to read as follows:

Rates of  
pilotage,  
San Diego

Sec 14. The rates of pilotage for all vessels into or out of the harbor of San Diego shall be such reasonable rates as the board of pilot commissioners of San Diego harbor shall, from time to time, fix and establish and not in any case to exceed two dollars per foot draft and two cents per ton for each and every net ton of registered measurement for vessels having cargoes to be laden or unladen solely at the port of San Diego, and one dollar per foot registered measurement for vessels having cargoes to be laden or unladen partly at the port of San Diego and partly elsewhere, and every vessel spoken inward or outward bound, except as hereinafter provided, shall pay said rates. A vessel spoken by day by a pilot boat displaying a

union jack, or by night displaying a torch or flare-up within a distance of one mile of the vessel, in all cases where inward bound vessels are not spoken until inside the bar, the rates of pilotage herein provided shall be reduced fifty per cent.

All vessels sailing under enrollment and licensed and engaged in the coasting trade, between the port of San Diego and any other port of the United States, shall be exempt from all pilotage, unless a pilot is actually employed.

Vessels engaged in coasting trade.

All foreign vessels and vessels from a foreign port or bound thereto, and all vessels sailing under a register between the port of San Diego and any other port of the United States, shall be liable for pilotage as provided in section fourteen

Foreign vessels.

CHAPTER 168.

*An act to provide county boards of public welfare and to define the powers and duties thereof.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

SECTION 1. In each county, or city and county, except where county boards of public welfare or boards or officials with like powers as herein enumerated are otherwise provided under a county or a city and county charter, the board of supervisors may and, upon the petition of one hundred electors of the county, shall appoint seven persons, not more than four of whom shall be of the same sex, who shall constitute a county board of public welfare, to serve without compensation, one of whom, as indicated by the board of supervisors making the appointment, shall serve for one year, two for two years, two for three years, and two for four years, and upon the resignation or expiration of the term of each, his or her successor shall in like manner be appointed for the term of four years. Appointments to fill vacancies caused by death, resignation or removal, before the expiration of such terms shall be made for the residue of such terms in the same manner as the original appointment. No person shall be appointed or shall serve on such board who is in any manner officially connected with any charitable or correctional institution within the county supported wholly or partly at public expense.

County boards of public welfare.

Term of office.

SEC. 2. The persons appointed as members of the county board of public welfare, within one week after receiving the notice of their appointment, which the clerk of the board of supervisors is hereby required to give to each of such persons, shall appear before a judge of the superior court and qualify by taking oath faithfully to perform to the best of their ability the duties of members of the county board of public welfare, and within one month after receiving such notice shall meet and organize by electing a chairman and a secretary from their

own number The secretary shall file a report of such organization, signed by himself or herself, and by said chairman, with the clerk of the board of supervisors, for the information of the board of supervisors making such appointment, and shall send a copy of such report to the state board of charities and corrections.

Meetings.

Rules.

Inspection  
of certain  
institutions.

Suggestions  
for  
improvement

Report to  
grand jury

SEC. 3. The county board of public welfare shall meet quarterly and as much oftener as in their discretion may be necessary. They may make such rules for the regulation of their own proceedings as they may deem proper. At least once each quarter and as much oftener as they may deem necessary they shall visit and inspect by the whole board or by a committee of their own members the county hospital, and the county infirmary or relief home for the aged, and the county jail, and they shall visit and inspect in like manner as often as they may deem proper, or as directed by the board of supervisors or by a judge of the superior court, each jail or lock-up in the county, and any other charitable or correctional institution receiving any support from the county funds that may exist in the county. They shall examine every department of each institution visited and shall ascertain its condition as to effective and economical administration, the cleanliness, discipline, and comfort of its inmates, and in other respects. They shall carefully study the rules laid down by the county supervisors for the control of each county institution, and the suggestions offered by the state board of charities and corrections upon such subjects, and shall ascertain whether such rules are being complied with. They shall make such suggestions as to improved administration as they think proper to the persons in charge of said county institutions, and may report to the board of supervisors, or any other official having jurisdiction any facts which ought in their judgment to be known by said officials. In case the board or one of its committees shall find any state of things in any institution which in their judgment shall be injurious to the county or to the inmates of the institution, or which is contrary to good order and public policy, it shall be the duty of said board to address a memorial to the board of supervisors, or other officials having jurisdiction, in which memorial they shall set forth the facts observed and shall suggest such remedies as in their judgment may be necessary.

SEC. 4. On or before the first Monday in March, June, September, and December of each year, the county board of public welfare shall make a report in writing to the grand jury of the county, if any, and if there be none, then such report shall be filed with the district attorney and by said district attorney shall be presented to the next grand jury as soon as impaneled and sworn. And annually on or before the first Monday in June of each year they shall present a report to the board of supervisors appointing them, which report shall be filed as a public document with the clerk of the board of supervisors. Whenever the county board of

public welfare shall present a memorial or report to the board of supervisors they shall at the same time transmit a copy of the same to the state board of charities and corrections. In such annual report among other things such county board of public welfare shall report the attendance at each quarterly meeting of each member of the said board, and wherever such report shall show that any member shall have been absent from two consecutive quarterly meetings such member shall be deemed to have resigned from such board, and the board of supervisors shall thereupon appoint a successor for said member to fill such vacancy caused by such resignation as provided in section one of this act.

SEC. 5. The board of supervisors shall appropriate and allow not to exceed fifty dollars each year for the actual expenses of said county board of public welfare for stationery, blanks, postage stamps, traveling and other necessary incidental expenses, as may be presented and sworn to by the secretary of said board, and approved by the board of supervisors. Appropriation by supervisors

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed. Repealed

CHAPTER 169.

*An act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.*

[Approved May 4, 1915. In effect August 8, 1915 ]

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

SECTION 1 Section three hundred and ninety-seven of the Penal Code is hereby amended so as to read as follows: Sale of liquors to habitual drunkards or Indians forbidden

397. Every person who sells or furnishes, or causes to be sold or furnished, intoxicating liquors to any habitual or common drunkard, or to any Indian of whole or mixed blood, or to any person who is commonly known to live and associate with Indians, is guilty of a misdemeanor.

## CHAPTER 170.

*An act to prevent deception in the manufacture, packing and sale of raisins, and providing a penalty for the violation thereof.*

[Approved May 4, 1915. In effect September 1, 1916.]

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

Packages of raisins to indicate variety of grape from which made.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, offer for sale, expose for sale, or have in his possession with intent to sell, any box, package or carton containing seeded raisins, which box, package or carton shall have indicated thereon the fact that the same does contain raisins, unless it shall in addition to such indication have plainly and conspicuously marked thereon the variety of grape from which the raisins contained in such box, package or carton are manufactured or produced.

Violation.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Penalty.

SEC. 3. This act shall take effect September 1, 1916.

## CHAPTER 171.

*An act to validate the organization and incorporation of municipal corporations.*

[Approved May 4, 1915. In effect August 3, 1915.]

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

Municipal corporations validated.

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all acts of the said municipal corporations heretofore performed according to the act aforesaid, are hereby validated, and

declared to be legal; *provided, however,* that all municipal corporations shall be excepted from the operation of this act where the right to act as such is being contested or inquired into in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the secretary of state.

*In case of contest*

CHAPTER 172.

*An act authorizing the Imperial irrigation district to acquire the irrigation system and works of the California Development Company and its subsidiary company and successors in California and Mexico by condemnation or purchase, and, in case of purchase, to exchange bonds of said district for such irrigation system and works or for property interests therein.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

SECTION 1. The Imperial irrigation district, in the county of Imperial, State of California, is hereby authorized to acquire, by condemnation or purchase, the irrigation system and works of the California Development Company in California and the capital stock of the Mexican corporation or corporations owning the portion of the irrigation system through which the lands in Imperial irrigation district are supplied with water, lying in the republic of Mexico. In case of purchase said irrigation district may exchange bonds for said irrigation system and works, or for the capital stock representing the ownership thereof, or of any part thereof, and the board of directors of said Imperial irrigation district is hereby authorized to enter into such contracts for the acquisition of said irrigation system and works, or for the capital stock representing the ownership thereof, as it may, in its discretion, deem for the best interests of said irrigation district, and it is also hereby authorized to enter into separate contracts with all or any of the judgment and other creditors or stockholders of said California Development Company and its subsidiary companies, and their successors in interest and with other persons or corporations owning property interests in said irrigation system and works through stock ownership or otherwise in the United States or in Mexico, and to provide in said contracts for the exchange of bonds of said Imperial irrigation district for such property interests upon such terms and conditions as said board of directors may, in its discretion, deem for the best interest of said district; *provided, however,* that the whole amount of bonds so agreed to be exchanged shall not exceed three million dollars.

*Imperial irrigation district authorized to acquire irrigation system of California Development Company*

## CHAPTER 173.

*An act to amend section seventeen hundred fourteen of the Political Code of the State of California, relating to the library fund in cities, or cities and counties, not divided into school districts.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

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

Library fund  
for cities  
not divided  
into school  
districts.

Greatest  
amount that  
may be  
apportioned

Smallest  
amount  
in cities  
comprising  
single  
district

1714. The county superintendent of each county, or city and county, shall annually apportion to each city, or city and county, not divided into school districts, as a library fund, such sum as may be requested by the board of education of such city, or city and county, said request to be in writing and filed with the county superintendent of schools at least thirty days before the first day of the month in which the supervisors of the county, or city and county, are required by law to levy the amount of taxes required for county, or city and county, purposes for each year, but in no case shall the sum so apportioned to any district exceed eighty cents for each pupil of average daily attendance in the elementary schools of said district, as reported to the county, or city and county superintendent of schools, during the preceding school year. It is provided that in each city and county comprising a single district, the amount apportioned shall be not less than forty cents for each pupil of average daily attendance in the elementary schools; said amount so apportioned to be deducted from the county school fund apportioned to each city, or city and county, and credited to the library fund of each city, or city and county; *and it is provided, further,* that if the board of education of any city, or city and county, shall fail to file said request in writing as hereinbefore provided, the county, or city and county superintendent shall apportion to the library fund of each city, or city and county, failing to make such request in writing, such amount, not in conflict with the provisions of this act, as he may deem advisable. The total amount of each such apportionment shall constitute the library fund of each city, or city and county, not divided into school districts, and shall be expended only in accordance with the provisions of section seventeen hundred twelve of this code.

CHAPTER 174.

*An act amending section one of an act entitled, "An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved April 10, 1911.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved April 10, 1911, is hereby amended to read as follows:

Section 1. That there is granted to every municipal corporation of the State of California, the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume which the route of such works intersects, crosses or runs along, in such manner as to afford security for life and property; but the municipality shall restore the road, street, alley, avenue, highway, railway, canal, ditch or flume thus intersected to its former state of usefulness, as near as may be; *provided, however*, that such municipality may not use any street, alley, avenue or highway within any other city and county or incorporated city or town, for such purpose, unless the right so to use the same is granted by a two-thirds vote of the governing body of such other city and county, or incorporated city or town; *provided, also*, that such grant of authority shall not be necessary in any case where the street, alley, avenue or highway, or portion thereof, proposed to be used for the purpose of constructing, operating or maintaining any such works, or any part thereof, is a necessary or convenient part of the route of such works, and, at the time construction thereof was commenced, or the plans adopted therefor, was located in unincorporated territory.

Municipalities may construct water mains, etc., on roads, etc., of other city, etc.

Right granted by other city, etc.

## CHAPTER 175.

*An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.*

[Approved May 5, 1915. In effect August 8, 1915.]

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

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

Counties of  
27th class.  
salaries of  
officers

4256. In counties of the twenty-seventh class, the officers, their clerks, deputies, stenographers and assistants, shall receive, as compensation for the services required of them by law or by virtue of their offices or appointments the following salaries, to wit:

County  
clerk

1 The county clerk, four thousand dollars per annum, and such fees as are now and may hereafter be allowed by law; *and, provided*, that in counties of this class, there shall be, and is hereby allowed to the county clerk, a deputy, who shall be appointed by said county clerk, who shall be paid a salary of fifteen hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new registration of voters is required by law, the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents per name for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk.

Sheriff

2 The sheriff, five thousand five hundred dollars per annum

Recorder.

3. The recorder, two thousand dollars per annum and six cents for each folio recorded.

Auditor.

4 The auditor, twenty-four hundred dollars per annum, and he may also appoint a deputy, which office of deputy auditor is hereby created, whose salary shall be twelve hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salaries of other county officers are paid

Treasurer.

5. The treasurer, twenty-seven hundred dollars per annum.

Tax  
collector.

6 The tax collector, two thousand dollars per annum; and one deputy at a salary of twelve hundred dollars per annum.

Assessor.

7 The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be, and there is hereby allowed the assessor, a

deputy, who shall be appointed by said assessor and who shall receive a salary of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of fifty dollars each per month. The changes in the law effected by this subdivision shall take effect ninety days from and after the final adjournment of the forty-first session of the legislature

8. The district attorney, two thousand five hundred dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be nine hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers. District attorney

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

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

11. The superintendent of schools, one thousand five hundred dollars per annum; and actual traveling expenses when visiting the schools of his county, and one deputy, at a salary of nine hundred dollars per annum. Superintendent of schools

12. The surveyor, fifteen hundred dollars per annum, for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, one hundred and fifty dollars per month; in townships having a population of more than twenty-five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than twenty-five hundred, thirty-five dollars per month. in townships having a population of more than five hundred and less than one Justices of peace

thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of twenty-five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

## Constables

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred dollars per month; in townships having a population of more than twenty-five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than twenty-five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the service of process five cents per mile, and for transporting persons to the county jail ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law. The changes in the law effected by this subdivision consist merely in a change in the form of compensation from a fee system to a mixed fee and salary basis, and shall take effect ninety days from and after the final adjournment of the forty-first session of the legislature.

## Supervisors

15 Each member of the board of supervisors, eight hundred dollars per annum, and his necessary expenses when attending to the business of the county, and ten cents per mile in going from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner two hundred dollars per annum. Each supervisor shall be allowed not to exceed thirty dollars per month as traveling expenses while supervising the roads of his district.

16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in criminal cases, shall be three dollars for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In civil cases, the fees and mileage of jurors in the superior courts, shall be the same as are now allowed by law.

CHAPTER 176.

*An act to amend sections seven hundred seventeen and seven hundred eighteen of the Civil Code, relating to the leasing of agricultural lands, and to the leasing of lands for agricultural and horticultural purposes, and to the leasing of property of a municipality, a minor or incompetent person, and to the leasing of city or town lots.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

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

717. No lease or grant of land for agricultural or horticultural purposes for a longer period than fifteen years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that any land of a municipality used for agricultural or horticultural purposes and upon which is discharged sewage or waste water may be leased for a period not exceeding twenty-five years.

Period of lease of land for agricultural purposes

SEC. 2. Section seven hundred eighteen of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years, excepting that the sewer farm of a municipality and all waters and sewage used or discharged thereon may be leased for a period not exceeding twenty-five years.

Period of lease of city lots.

Property of minor or incompetent.

## CHAPTER 177.

*An act amending section 3466½ of the Political Code of the State of California, relating to invalid assessments in reclamation districts, and providing for the re-assessments of said lands.*

[Approved May 4, 1915. In effect August 8, 1915.]

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

SECTION 1. Section 3466½ of the Political Code of the State of California is hereby amended to read as follows:

Re-assessment in reclamation districts in case of invalid assessment.

3466½. In all cases in which an assessment shall have been levied or shall hereafter be levied for reclamation purposes upon the lands embraced within any reclamation district now or hereafter formed or created, is thereafter adjudged invalid by any court of competent jurisdiction, or shall be adjudged invalid as to any tract or tracts of land, within said district, or if, for any reason, any tract or tracts of land within such district shall not have been charged with said assessment, a new assessment on the lands of the district may be levied for the purpose of raising the amount for which said invalid assessment was levied and any further sum then required or found necessary, and such tract or tracts of land shall be charged in any such subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the reclamation for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of reclamation; *provided*, that in case any assessment that has been heretofore or shall hereafter be levied for reclamation purposes upon the lands embraced within any reclamation district is so adjudged to be invalid either as a whole or as to any tract upon which it may have been levied, and any land owner of the district shall have paid the amount or any portion of the amount assessed in said assessment on any tract of land before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said land owner, together with the legal interest thereon from the date of such payment shall be a credit, and shall be credited by the treasurer of the county where the assessment list is filed, on any subsequent assessment on the tract of land on which said invalid assessment was paid, and be applied in satisfaction *pro tanto* of any such subsequent assessment thereafter levied on the said tract. Such subsequent assessment or re-assessment shall be made by commissioners appointed by the board of supervisors of the county as provided in section 3455 of this code, and must be made and approved in the same manner as other assessments.

Assessment already paid to be credited on subsequent assessment.

CHAPTER 178.

*An act to carry into effect the provisions of section one and one-quarter of article thirteen of the constitution of California, exempting property from taxation in certain instances, and to that end adding a new section to the Political Code to be numbered three thousand six hundred twelve.*

[Approved May 4, 1915. In effect August 8, 1915]

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

SECTION 1 A new section is hereby added to the Political Code of the State of California, to be numbered section three thousand six hundred twelve and to read as follows:

3612. 1. The state board of equalization shall prescribe all procedure, affidavits and forms required to carry into effect the tax exemption on property specified in section 1 $\frac{1}{4}$  of article XIII of the constitution. Procedure for tax exemption of veterans

2. Every person entitled to or applying for the exemption from taxation specified in said provision of the constitution shall appear before the assessor or deputy assessor and shall give all information required and answer all questions contained in the forms and affidavit prescribed by said board, and thereupon shall subscribe and swear to the same before such assessor or deputy. Any false statement made or sworn to in such affidavit shall constitute and be punishable as perjury. Affidavit of applicants for exemption

3. Any assessor may, in his discretion, require other or additional proof of the facts stated by such affiant before allowing the exemption claimed. Failure upon the part of any person entitled to such exemption to make affidavit or furnish evidence as required by this section between the first Monday in March and the first Monday in July of each year shall be deemed and treated as a waiver of such exemption by such person. Assessor may require additional proof

4. The following are recognized as wars within the intent and meaning of said section of the constitution: Recognized wars

a. Revolutionary war—April 19, 1775—January 14, 1784;

b. Second war with England—June 18, 1812—February 17, 1815;

c. Black Hawk war—April 6, 1832—August 2, 1832;

d. War with Mexico—April 24, 1846—May 30, 1848;

e. Civil war—April 19, 1861—August 20, 1866;

f. War with Spain—April 21, 1898—April 11, 1899;

g. War in Philippines—April 11, 1899—July 4, 1902;

h. Campaign against the Rogue River, Yakima, Nez Perce and Snake Indians in Oregon and Washington, 1855—1856;

i. Campaign against the Indians in southern Oregon and Idaho and northern part of California and Nevada, 1865—1868;

j. Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado and Indian Territory, 1867, 1868 and 1869;

k. Modoc war, 1872 and 1873;

Recognized  
wars.

- l. Campaign against the Apaches of Arizona, 1873;
- m. Campaign against the Kiowas, Comanches and Cheyennes, in Kansas, Colorado, Texas, Indian Territory and New Mexico, 1874 and 1875;
- n. Campaign against the Northern Cheyennes and Sioux, 1876 and 1877;
- o. Nez Perce war, 1877;
- p. Bannock war, 1878;
- q. Campaign against the Northern Cheyennes, 1878 and 1879;
- r. Campaign against the Ute Indians in Colorado and Utah, September, 1879, to November, 1880;
- s. Campaign against the Apache Indians in Arizona, 1885 and 1886;
- t. Campaign against the Sioux Indians in South Dakota, November, 1890, to January, 1891.

## CHAPTER 179.

*An act to amend section eight of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911.*

[Approved May 4, 1915. In effect January 1, 1916.]

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

SECTION 1. Section eight of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions, to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide

for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, is hereby amended to read as follows:

Sec. 8. In case any butter is sold or offered for sale, in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated. In case any butter is sold, or offered for sale, in a package or wrapper, or under a label purporting or calculated to designate the place of production, such package, wrapper, or label must correctly name the place where made; or if such package, wrapper or label bears the name of any county, city and county, city or town in this state or any other geographical designation, such package, wrapper, or label must also correctly name the place where made. No person, firm or corporation shall put up in package or wrapper, or otherwise prepare for shipment or sale, any butter under a label purporting to designate the producer, place of production, or bearing the name of any county, city and county, city, or town of this state, or any other geographical designation, except in accordance with the provisions hereof: nor shall any person, firm or corporation sell or offer for sale any butter in a package, wrapper, or under a label purporting to designate the name of the producer or the place of production or bearing the name of any county, city and county, city or town of this state or geographical designation, except in accordance with the provisions hereof.

Producer of butter must be designated.

Place of production

SEC. 9. This act shall take effect on and after the first day of January, 1916.

CHAPTER 180.

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

[Approved May 4, 1915. In effect August 8, 1915 ]

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

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

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties of fifth class, salaries of officers

1. The county clerk, thirty-four hundred dollars per annum; he shall have two deputies at a salary of eighteen hundred

County clerk

dollars each per annum; five deputies at a salary of fifteen hundred dollars each per annum, and two deputies at a salary of twelve hundred dollars each per annum. He shall also have two additional deputies for a period not to exceed ten months during each and every even-numbered year, at a salary of eighty dollars per month each during their said employment and four copyists for a period not to exceed six months during each and every even-numbered year, such copyists to receive a salary of sixty dollars per month during their said employment and also for any such even-numbered years shall appoint such deputies in the county as are necessary for the purpose of registering electors, such deputies to receive five cents per name for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him during the month, accompanied by a statement of source from whence received.

**Sheriff.** 2. The sheriff, six thousand dollars per annum and all fees for the service of process issued without his county. He shall have an undersheriff whose annual salary shall be eighteen hundred dollars; one field deputy whose annual salary shall be eighteen hundred dollars, and two field deputies whose annual salary shall be fifteen hundred dollars each; one office deputy who shall have charge of the records made under the Bertillon system and who shall act as photographer and shall receive an annual salary of fifteen hundred dollars; four deputies whose salaries shall be twelve hundred dollars each per annum; a stenographer, whose annual salary shall be twelve hundred dollars; and a jailer whose annual salary shall be twelve hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of processes issued within the county.

**Recorder.** 3 The recorder, twenty-seven hundred dollars per annum. He shall have two deputies whose salary shall be eighteen hundred dollars each per annum and two deputies whose salary shall be fifteen hundred dollars each per annum; a statistician for compiling the vital statistics of the county, whose annual salary shall be fifteen hundred dollars, and an abstract clerk whose salary shall be fifteen hundred dollars. The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

**Auditor.** 4. The auditor, twenty-seven hundred dollars per annum. He shall have one deputy at an annual salary of eighteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars; a redemption clerk at an annual salary of twelve hundred dollars, and two additional deputies for a period of two months during each year at a salary of one hundred dollars each per month

**Treasurer** 5. The treasurer, twenty-seven hundred dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

6. The tax collector, twenty-seven hundred dollars per annum. He shall have one deputy who shall act as cashier and receive eighteen hundred dollars per annum; one deputy who shall receive fifteen hundred dollars per annum; and two deputies at an annual salary of twelve hundred dollars each; a bookkeeper at an annual salary of fifteen hundred dollars, a stenographer at an annual salary of nine hundred dollars, and six additional deputies for a period not to exceed three months during each year at a salary of one hundred dollars per month each

Tax collector

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of eighteen hundred dollars; a draftsman at an annual salary of twelve hundred dollars, and a real estate transfer deputy at an annual salary of twelve hundred dollars. He shall also have not exceeding twenty-five deputies for three months in each year, whose per diem shall be four dollars each when actually employed, eight deputies for six months in each year at a per diem of four dollars when actually employed, five copyists for a period of six months in each year each at a per diem of three dollars and a stenographer at an annual salary of nine hundred dollars. All sums collected by the assessor or his deputies as personal property taxes shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

Assessor

8. In counties of this class grand and trial jurors shall receive three dollars per day while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law.

Jurors

9. The district attorney, thirty-six hundred dollars per annum. He shall have one assistant at a salary of twenty-four hundred dollars per annum, two deputies at a salary of eighteen hundred dollars per annum each, a detective at a salary of one hundred and ten dollars per month, and two stenographers at an annual salary of twelve hundred dollars and nine hundred dollars respectively. Neither of said stenographers shall receive other compensation by reason of services rendered as a stenographic reporter in any action or proceeding wherein the fees or per diem of a stenographic reporter constitute a charge against the county.

District attorney

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

Coroner

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

Administrator

12. The superintendent of schools, two thousand seven hundred dollars per annum. He shall have one assistant at an annual salary of eighteen hundred dollars: one deputy at an annual salary of eighteen hundred dollars and one deputy at an annual salary of fifteen hundred dollars. The superintendent and assistant superintendent shall be allowed actual traveling expenses incurred in visiting schools in the county.

Superintendent of schools

Surveyor.

13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of eighteen hundred dollars per annum.

Population.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January first, nineteen hundred and fifteen, as follows, to wit:

Judicial Township No. 1	814
Judicial Township No. 2	2,205
Judicial Township No. 3	17,730
Judicial Township No. 4	2,058
Judicial Township No. 5	2,171
Judicial Township No. 6	2,841
Judicial Township No. 7	1,931
Judicial Township No. 8	1,807
Judicial Township No. 9	858
Judicial Township No. 10	863
Judicial Township No. 11	1,219
Judicial Township No. 12	277
Judicial Township No. 13	683
Judicial Township No. 14	679
Judicial Township No. 15	1,021

Classification of townships.

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

Justices of peace

15. Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered and shall include their office rent, except as otherwise provided by law, to wit:

In townships of the first class	\$200
In townships of the second class	75
In townships of the third class	60
In townships of the fourth class	50

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be

responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class.....	\$100
In townships of the second class.....	75
In townships of the third class.....	60
In townships of the fourth class.....	50

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

17. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

18. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

CHAPTER 181.

*An act relating to the powers and privileges of officers and employees of state reformatories in arresting pupils who have escaped or been rescued therefrom.*

[Approved May 5, 1915 In effect August 8, 1915 ]

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

SECTION 1. The officers and employees of the state reformatories shall have the powers and privileges of peace officers in so far as it may be necessary to exercise such powers and privileges for the purpose of arresting pupils who have escaped or been rescued from a state reformatory.

## CHAPTER 182.

*An act to provide for the deposit of funds in the county treasury, for the presentation to, and approval by, the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessments of warrants, of Reclamation District No. 108, created by that certain act of the Legislature of the State of California, approved April 23, 1913, and entitled, "An act legalizing the consolidation and reorganization of Reclamation District No. 729 with Reclamation District No. 108, in the counties of Yolo and Colusa: fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith," and situated in Colusa and Yolo counties, and providing that the board of supervisors of the county of Colusa shall have jurisdiction of all matters concerning said district, and all funds of said district shall be deposited with the county treasurer of the county of Colusa.*

[Approved May 5, 1915 In effect August 8, 1915.]

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

Warrants of Reclamation District No. 108 to be presented to Colusa county treasury.

SECTION 1. All warrants drawn by the trustees of Reclamation District No. 108, created by that certain act of the legislature of the State of California, approved April 23, 1913, and entitled, "An act legalizing the consolidation and reorganization of Reclamation District No. 729 with Reclamation District No. 108, in the counties of Yolo and Colusa; fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith," and situated in Colusa and Yolo counties, must, after they are approved by the board of supervisors of Colusa county, be presented to the county treasurer of Colusa county upon which they are drawn, and if they are not paid on presentation for want of funds, such endorsement must be made thereon, and they must be registered by said treasurer and bear legal interest thereafter from the date of presentation, and be thereafter payable in the order of such presentation.

Warrants in lieu of money.

Any warrant so drawn, however, shall be received by the county treasurer in payment of assessments of said reclamation district, on any land in said district, without regard to the order of its presentation, at any time during the time the assessment list containing such assessment shall remain in the hands of the county treasurer, as is provided in section 3465

of the Political Code: *provided, however*, that after any assessment list for said district shall have been delivered by the county treasurer to the board of trustees of said district, as is provided in section 3466 of the Political Code, the assessments therein contained shall be payable only in lawful money of the United States, and warrants shall not thereafter be received in payment of any such assessment. All money received by the trustees of said district in payment of assessments or from any source for said district, shall be paid and deposited in the county treasury of Colusa county.

In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Colusa shall appoint a qualified person as trustee, who shall hold said office for the unexpired term. The board of supervisors of the county of Colusa shall have jurisdiction of all matters concerning said district. All funds of said district shall be deposited in the county treasury of said county of Colusa, and shall be disbursed by the treasurer of said county in the payment of the warrants of said district. In the event that any assessment shall be paid, either in money or warrants to the county treasurer of the county of Yolo, the same shall be forthwith transmitted by him to the county treasurer of the county of Colusa.

Trustee  
vacancies  
filled by  
Colusa  
county  
supervisors

CHAPTER 183.

*An act to amend the title and sections one, two, three, four, five, six, seven, eight, nine and twelve of an act entitled, "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in communities in which they lie," approved March 21, 1903, and to add a new section to said act to be numbered section one and one-half including lands lying partially within municipalities subject to draining from the same system of works, and to add nine new sections to said act to be numbered eight a, eight b, eight c, eight d, eight e, eight f, eight g, eight h, eight i, respectively, all relating to the issuance of bonds to cover the cost of draining wet, swamp and overflowed lands.*

[Became a law, under constitutional provision, without Governor's approval, May 7, 1915. In effect August 8 1915.]

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

SECTION 1. Section one of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands and to promote the public health in the communities in which they lie," approved March 21, 1903, is hereby amended to read as follows:

Petition for  
establishment of  
drainage  
district

Section 1 Whenever ten or more land owners owning land within any district containing a body of wet, swamp or overflowed lands susceptible of drainage by a ditch or drain or a system of ditches or drains, and which said district is to be benefited by the construction of any improvements contemplated by this act, shall file with the board of supervisors of the county in which said lands, or a portion thereof, are situated, a petition for the establishment of such ditch or drain, or system of ditches or drains, for the draining of said body of lands defining the boundary of the district proposed to be benefited and defining the boundaries of such body of lands to be drained and the location and course of such ditch or drain, or system of ditches or drains, through said body of lands, and the lands through which it or they are to pass to their outlets, and shall give said supervisors a good and sufficient bond for the payment of all costs that may accrue provided said petition shall not be granted, said supervisors shall, within thirty days of the filing of said petition, appoint a day for the hearing of the same, which shall not be less than fifteen nor more than forty days from such appointment; and shall, also, cause to be published in some newspaper published and having a general circulation in the county, a copy of said petition together with a notice by the clerk of said board of the time and place set for hearing said petition; said publication shall be at least once each week in a daily or weekly newspaper and for at least two weeks next preceding the time set for said hearing.

Bond

Publication

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

Adjacent  
territory  
may be  
included

Sec. 1½. Whenever a portion of any ditch or drain or system of ditches or drains for the drainage of any such body of wet, swamp, or overflowed lands passes through or forms the boundary line of any municipal corporation, or where adjacent territory within such municipality is found by said board of supervisors to be benefited by such work or improvement, such adjacent territory may be included within the boundaries of such drainage district in proceedings instituted for the creation of said drainage district; *provided*, said petitioners first obtain the consent of the governing body of such municipality, expressed by ordinance, to the construction of such ditch or drain or ditches or drains within the limits of such municipality, and thereupon all such territory shall be subject to the provisions of this act, and any work of any improvement herein contemplated to be done may be done either within or without the boundaries of the district organized therefor as may be necessary to properly drain by a ditch or drain or a system of ditches or drains any body of wet, swamp or overflowed lands within said district.

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

Sec. 2. Before the passing of any resolution of intention under this act, plans and specifications for work substantially the same as that described in the resolution of intention and for a district substantially the same as that described in the resolution of intention shall be furnished by some competent person who shall have been designated by the board of supervisors for that purpose by a resolution to be entered by the clerk upon the minutes of said board.

Plans and specifications for work

Neither the work nor the district need be described in the resolution appointing such person except so far as may be sufficient to identify the work and district for which the specifications are prepared, and for such purpose it shall suffice to designate the same as "In the matter of Drainage District Improvement No. .... and Resolution of Intention No. ...." (inserting the same number in both blanks).

Such specifications shall include an estimate of the aggregate amount of the cost of the work inclusive of incidental expenses and of the procedure. Such specifications shall be signed by the person designated to furnish them and be filed with the clerk of the board of supervisors.

Estimate of cost

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

Sec. 3. Before ordering any work to be done under this act, the board of supervisors shall pass a resolution of intention so to do. Such resolution may, in form, and shall, in substance, be (filling all blanks) as indicated following, to wit:

Resolution of intention.

*In the matter of Drainage District Improvement No. .... Resolution of Intention No. ....* (the same number for both blanks).

*Resolved*, That it is the intention of the board of supervisors of the county of \_\_\_\_\_, State of California, proceeding under and by virtue of the drainage district improvement act, approved March 21, 1903, and in the matter of Drainage Improvement District No \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, at the hour of \_\_\_m of that day or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done, as follows: (here insert a description of the work, stating the territorial extent thereof with all reasonable exactness, and in other particulars generally, yet so as to indicate fairly and approximately its probable cost), the said work to be done in accordance with the specifications therefor filed with the clerk of said board on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, except as the boundaries of the district and elevations and courses therein specified may be changed at the hearing of the matter hereinafter mentioned, which specifications are made part hereof, and to which all persons are referred for further particulars as to said work. For the costs and expenses of the work and the proceeding bonds will be issued to the amount of the same, bearing interest at the rate of \_\_\_\_\_ per cent per annum, payable semi-annually, and one \_\_\_\_\_ part of the principal annually, all in gold coin.

**Fund** A special fund for the payment of said bonds is to be constituted by the levy of special assessment taxes upon all land within a district to be known as "Drainage Improvement District No. \_\_\_\_\_ of the county of \_\_\_\_\_."

**Boundaries.** Such district (as proposed) being all that territory in the county of \_\_\_\_\_, State of California, within exterior boundaries as follows, to wit: \_\_\_\_\_ (the blank to be filled with a careful statement of the exterior boundaries of the district).

**Hearing** Notice is hereby given that at the time specified hereinbefore for ordering the work, the matter of said Drainage District Improvement No. \_\_\_\_\_ will come up for hearing, and all objections, which are, under the provisions of said drainage district improvement act, approved March 21, 1903, entitled to be heard or determined, will then be heard and determined, and the boundaries of said district and elevations and courses therein be finally determined and established.

The \_\_\_\_\_, (here insert name and character of newspaper) is hereby designated as the newspaper for making publication of this resolution and for making all other publications in the proceeding.

**Superintendent of work.** \_\_\_\_\_, a competent person, is hereby appointed superintendent of work with compensation at the rate of \_\_\_\_\_ dollars per diem for days actually spent in performance of duty under this appointment.

The foregoing resolution was, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, passed by the board of supervisors of the county of \_\_\_\_\_, State of California.

Attest:

\_\_\_\_\_  
Clerk of the board of supervisors of said county  
of \_\_\_\_\_

By \_\_\_\_\_, Deputy clerk  
(Adding if the fact so be.)

**Principal and interest.** The principal and interest of the bonds representing the cost of work done under the provisions of this act shall be payable in gold coin of the United States of America, and the board of supervisors is authorized to determine the time, not to exceed twenty years, in which bonds issued to represent the cost of the work shall be paid, and to determine the rate, not to exceed seven per cent per annum of the interest to be paid thereon, which interest shall be payable semi-annually, and to make such bonds in all respects as indicated by the form therefor, in this act hereafter provided.

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

**Publication of resolution.** Sec. 4. Such resolution of intention shall be filed, and be published by at least two insertions in the newspaper therein designated, which shall be a newspaper published and circulated in the county, or, if there be no such newspaper, then in any newspaper designated by said board of supervisors in such resolution. Printed copies of such resolution, headed "Notice

of Drainage District Improvement," such heading to be in letters not less than one inch in length, shall be, by the superintendent of work, posted along the line of the work described in said resolution, at not more than one hundred feet in distance apart, but not less than three in all. Affidavits in proof of such publication and posting shall be filed with the clerk of the board of supervisors. When, before the day of the hearing specified in the resolution of intention, twenty days have elapsed since the posting and the first publication (they need not be simultaneous) of the resolution of intention, the board of supervisors shall have acquired power to proceed with such hearing and to take all other action in the proceeding as is in this act authorized. The determination of the board of supervisors to proceed with such hearing, whether evidenced by an express declaration or by its proceedings to make other determinations at such hearing shall be presumptive evidence, at the least, of the existence of all the facts upon which the power of the board to proceed depends, except such as are required to appear of the record in the proceeding, and except, also, in so far as such presumption is rebutted by the record in the proceeding.

Power to proceed acquired

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

Sec. 5. At any time before the day in the resolution of intention specified for ordering the work and the hearing of the matter, any owner of land within the boundaries of the district as set forth in said resolution, may, severally or with other such owners, file with the clerk of the board of supervisors written objection to the ordering of the work, as an entirety and not merely to some part thereof, as described in the resolution of intention. Owners of land within the meaning of this section are those and those only, who appear to be such upon the records in the recorder's office of the county in which the district is situated, on the day before the day for said hearing, and an executor or administrator shall be deemed representative of his decedent, and a trustee of an express trust in land other than as security for the payment of money, of the land held in such trust, and a trustee in bankruptcy, of the bankrupt. Next after in order of hearing, the board shall proceed to hear such objections as may be made to the elevations and courses specified in the specifications. Thereafter, in the order of the hearing shall be heard such objections as shall be made to the boundaries of the district as set forth in the resolution of intention. Objection to the elevations or to the courses or to the boundaries of the district may be made by an owner of land lying within the district upon the hearing without any written statement of the same. At the conclusion of the hearing, the determinations of the board shall be made in writing to be filed and entered upon the minutes of the board. The hearing may be continued from time to time by the board of supervisors by an order to be entered in the minutes of the board.

Objections to work.

Owners defined.

Determinations of board.

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

Declaration  
of findings

Sec. 6. The board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding determining the boundaries of the district, and the elevations thereon. If no changes be made in the boundaries of the district as the same are set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention, but if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth. If no change be made as to the elevations or courses, as set forth in the specifications on file, it shall be sufficient to state that the elevations or courses of the same, as finally determined, are those set forth in such specifications. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; and the elevation so determined shall be the elevations of the district for all the purposes of the proceeding; *provided, however*, that the boundaries of the district, as the same are set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within its boundaries as set forth in that resolution, nor so that the place or locality of any work described in such resolution of intention shall be excluded from the boundaries of the district as so finally determined. In like manner the board of supervisors may order the work to be done, and if it so do, shall fix a time for receiving proposals or bids for doing the work, and direct the clerk to give notice accordingly, inviting sealed proposals or bids. Such notice shall include a statement that the work is to be done "under the provisions of the drainage district improvement act, approved March 21, 1903, and according to the specifications on file therefor, except in so far as the elevations specified therein shall have been fixed otherwise by the board of supervisors in conclusion of the hearing in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the attention of bidders is hereby directed, and by this reference made part of this notice."

Bids on  
work

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

Publication  
of notice  
for bids.

Sec 7. The notice inviting sealed proposals or bids shall be published by at least two insertions in the newspaper designated in the resolution of intention, and (not necessarily simultaneously) a copy or copies of the same shall be posted and kept posted for five days, at or near the chamber door of the board of supervisors. All proposals or bids shall be accompanied by a check, payable to the order of the presiding officer of the board of supervisors, certified by a responsible bank for

Certified  
check

an amount not less than ten per cent of the aggregate of the proposal or bid, or by a bond for said amount running to the presiding officer of the board of supervisors, signed by the bidder, with two sureties qualifying each in said amount over and above all statutory exemptions before an officer competent to administer an oath, or executed by some bonding company acceptable to said board of supervisors. Said proposals or bids shall be delivered to the clerk of said board, and said board shall, in open session, examine and declare the same, but no proposal or bid shall be considered unless accompanied by said check or such bond in terms satisfactory to the board. The board may reject any and all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

Board may reject bids

A notice of such award, attested by the clerk of the board of supervisors shall be published and posted for five days in the same manner as hereinbefore provided with respect to the notice inviting proposals or bids.

Notice of award

The check or bonds accompanying such accepted proposals or bids shall be kept by the clerk of said board until the contract for doing said work, as hereinafter provided, has been entered into. If said bidder fails, neglects or refuses to enter into the contract for said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned shall be declared forfeited to the county, and may be collected by it and paid into its road fund, and any bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Checks kept until contract is entered into

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, for payment by him the costs and expenses of publishing and posting resolutions, notices and orders required, under this act to be made, which have been made, given, posted or published in the proceeding.

Costs of publishing resolutions

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

Sec. 8. If for fifteen days after being awarded the contract, the bidder to whom the contract was awarded fails, neglects or refuses to enter into the contract, the board of supervisors may direct the clerk of the board to give notice as in the first instance, inviting sealed proposals or bids, and thereupon, after receiving bids shall award as in the first instance; and as in the case of the default of a first awardee, so, also of a second.

Failure to enter into contract

SEC. 10. A new section is hereby added to said act, to be numbered eight *a*, and to read as follows:

Sec. 8*a*. The presiding officer of the board of supervisors is hereby authorized, in the name of the county to execute the contract with the awardee of the same, and to receive and approve all bonds by this act required on the part of such

Chairman of supervisors to execute contract

awardee, and shall, by the terms of said contract, fix the time for the beginning of the work, which shall not be more than twenty days from the date thereof, and the contract shall provide that the work be prosecuted with diligence until completed, and a time for such completion shall be in the contract fixed, but such time of completion may be extended from time to time by the board of supervisors, in its discretion, and by resolution, which shall be entered by the clerk in the minutes of said board, a copy of which shall be by said clerk endorsed upon or annexed to the contract.

Bond

Before entering upon such contract, a bond shall be executed and filed, running to the county, in an amount not less than one-half of the contract price of the work, signed by the contractor and two or more sureties, who shall aggregatedly, unless surety companies, qualify before an officer entitled to administer the oath in a sum equal to the amount of the bond, each surety in the amount for which he becomes surety. Such bond shall be conditioned for the faithful execution of the contract by the party contracting to do the work, and the payment by him for all labor and materials furnished for or in the doing of the work. The form and sufficiency of said bond shall be passed upon by some member of the board of supervisors, and such bond shall inure as well to the benefit of any and all persons furnishing labor or materials for the work as to the county.

Liability of supervisors

Said contract shall undertake on behalf of the county that the board of supervisors will, upon the fulfillment and performance of the contract on the part of the contractor, and under the provisions of the "drainage district improvement act, approved March 21, 1903," take all steps, in or by said act authorized to be taken, to effect the issuing by the county treasurer of the bonds in said act authorized to be issued, and provide a fund for the payment of the same, as in or by said act prescribed; and it shall be in such contract stated that in no case shall the county be liable under the contract, nor any officer thereof be thereunder holden except for the discharge of official duty under the law.

SEC. 11. A new section is hereby added to said act, to be numbered eight b, and to read as follows:

Declaration of completion of work

Sec. 8b. As soon as may be done in good faith, there shall be filed with the clerk of the board of supervisors a declaration that the work has been completed according to the contract, together with an itemized statement of all the incidental costs and expenses of the work and the proceeding inclusive of the estimated cost of publishing the notice of final hearing hereinafter mentioned. The aggregate of such items shall be stated, and, also, the amount due as of the contract price; and also the gross sum for a bond issue representing the entire amount thereof, as claimed by the contractor. The said declaration and statements shall be signed and verified by the superintendent of work and by the contractor or some person cognizant of the facts, signing on behalf of the contractor.

and stating why he, instead of the contractor, so signs and verifies. Either signer may except from his signature and verification any amount or item to which he does not assent. The presiding officer of the board of supervisors is hereby authorized to fix a time and give a notice for a hearing for the purpose of determining whether the work shall be accepted as being completed according to the contract, and for determining the aggregate amounts for which bonds shall be issued representing the total costs of the work, and the amount of the incidental costs and expenses of the work, and the proceedings which is to be charged to and paid by the contractor. Such hearing shall be known as the final hearing. The notice of such hearing may, in form, and shall, in substance be (filling the blanks) as follows:

NOTICE OF FINAL HEARING.

*In the matter of Drainage District Improvement No. ...*

Notice is hereby given that a final hearing of the above named matter will be had at the hour of ----- m on the ----- day of -----, 191--, at the chamber of the board of supervisors of the county of -----, State of California, for the purpose of determining whether the work done under the contract made with ----- under resolution of intention No. ----- in Drainage Improvement District No. ----- of the county of ----- shall be accepted as being performed according to the contract, and for determining the aggregate amount for which bonds shall issue representing the cost of such work, inclusive of the incidental costs and expenses of the work and the proceeding, of which a statement has been filed with the clerk of said board of supervisors of the county of -----, to which statement the attention of all persons interested is hereby directed.

Notice of final hearing.

-----  
----- of the board of supervisors of the  
county of -----

Attest: -----

Clerk of said board of supervisors.

By ----- Deputy clerk.

(If so the fact be.)

Such notice shall be signed by the presiding officer of the board of supervisors and attested by the clerk of the board of supervisors and published by at least two insertions in the newspaper designated in the resolution of intention, and a copy or copies thereof posted and kept posted for two days at or near the chamber door of the board of supervisors, the first day of such publication and that of such posting (they need not be simultaneous) to be not less than five days before the day in said notice specified for the hearing. Proof of such publication shall be made by affidavit or affidavits, and the same shall be filed. If a quorum be not present at the time in the notice specified for the hearing, a member or members of the board then present may continue the hearing from day to day,

Publication.

Objections to  
acceptance  
of work

and at all stages thereof the hearing may, by resolution, to be entered in the minutes, be continued from time to time. At any time before the day in said notice specified for the hearing any owner of property not exempt from taxation within the district, as finally established, may solely or with any other such owner or owners, file written objection to the acceptance of the work on the ground that the work has not been completed or done according to the contract, specifying in ordinary language the particulars in which the contract has not been so completed or done. Any person interested in the proceeding, as of the interest of the contractor, shall be presumed to take issue with such objection, and be heard accordingly. Questions going to the incidental costs or expenses of the work or the proceedings may be raised orally by any owner of property not exempt from taxation, situated within the district. Evidence may be adduced going to any of the matters to be determined, and in such order as the board may summarily direct. If, when the matter has been fully heard, whether under or in the absence of objections, the board of supervisors is of the opinion that the work has not been completed or done according to the contract, it shall in writing, specify what must be done in order to complete the work, and shall, by an order or resolution to be entered in its minutes, continue the further hearing of the whole matter to a specified day, expressly stating that such continuance is for the purpose of enabling the contractor to complete his contract. On said continued hearing the objections filed before the day of the first hearing shall continue in force as against the work, and evidence be received, if offered, as to what has been done by way of completing the contract in the particulars specified in the order of the board on the said continuance of the hearing. If, upon such continued hearing, it is the opinion of the board that the work is still uncompleted in the particulars as to which it was ordered to be completed, it shall be discretionary with said board to order or refuse a second continuance of the hearing. If the board do order such second continuance, it shall be ordered in the same manner and with like effect as provided aforesaid, upon the first continuance. And as provided aforesaid for a second continuance so of any other or further continuance. Objections to any item of incidental costs and expenses, shall pend and be heard on said day, or at any continued hearing had, as in this section aforesaid provided. Every continuance of said hearing for the purpose of enabling the contractor to complete his contract or the work shall continue or revive such powers of the board of supervisors had under the provisions of this act, in the proceeding, at the time of the filing of the contractor's declaration that the work was completed, as provided aforesaid, and also operate to extend the time for the completion of said contract in such manner that its completion within the time to which the hearing is continued, shall be as valid performance of such contract as if completed at the time of filing such declaration or statement.

SEC. 12. A new section is hereby added to said act, to be numbered eight *c*, and to read as follows:

Sec. 8*c*. Whenever upon the hearing in section eight *b* aforesaid provided, whether at the first or any continued hearing, it shall be the opinion of the board of supervisors that the work has been completed and done according to the contract. said board shall by a resolution, to be entered upon its minutes, so declare, and that the work is accepted, and stating the aggregate amount for which bonds shall be issued, and stating the amount of the incidental costs and expenses of the work and the proceeding which are charged against and to be paid by the contractor.

Bonds issued upon completion of work

SEC. 13. A new section is hereby added to said act, to be numbered eight *d*, and to read as follows:

Sec. 8*d*. The clerk of the board of supervisors shall transmit to the county treasurer of the county, an attested copy of the final order mentioned in section eight *c* of this act, and upon receipt of the same, the county treasurer shall proceed to issue bonds to the amount in the aggregate of their principal as the same is stated in the attested copy of said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the one proper part of the whole principal of the bond issue, as specified in such attested copy of said final order, and so that the interest thereon be made payable on the second days of January and July. The said bonds may, in form, and shall, in substance, be as indicated following, to wit:

Treasurer to issue bonds

Form of bonds

DRAINAGE DISTRICT IMPROVEMENT BOND.

Drainage District Improvement No. -----

County of -----, State of California.

\$----- No. -----

Under and by virtue of the drainage district improvement act of 1903, an act of the legislature of the State of California, (here may be inserted any further designation desired) of the county of -----, State of California, will, out of the fund hereinafter designated, at the office of the treasurer of said county, on the ----- day of -----, 19--, pay to the bearer the sum of ----- dollars, in gold coin of the United States of America with interest thereon in like gold coin at the rate of ----- per cent per annum payable as hereinafter specified.

This bond is payable out of drainage district improvement fund No ----- exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof is holden for its payment otherwise.

The interest is payable semi-annually, to wit: On the second days of January and July in each year hereafter, upon presentation of the coupons therefor, the first of which coupons is, however, for the interest from date to the next following second day.

The principal hereof may be paid at any time, upon notice of such redemption having been published by the treasurer of said county, once in some newspaper of general circulation, published in said county, and interest on all unpaid principal sums covered by such notice shall cease one month after such publication.

At said county of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand nine hundred and \_\_\_\_\_.

-----  
Insert title of presiding officer of the board of supervisors  
-----

-----  
Treasurer of the (name of county).  
-----

Signatures  
to bonds.

Said bonds shall be signed by the presiding officer of the board of supervisors and the treasurer of the county, and so signed shall be binding according to the term thereof as prescribed in said form. The interest coupon shall be in form as said treasurer may devise, subject to the provisions of this act, and the determinations made by the board of supervisors, and their signatures by him shall be sufficient. Said bonds shall be delivered by said treasurer to said contractor or to his order assignee or lawful representative.

Life of  
bonds

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year; which part shall be the same for each of the years covered by the bond issue.

Interest

Payable  
semi-  
annually.

The interest payments on said bonds shall be payable semi-annually on the second days of January and July, and interest and principal at the office of the county treasurer, and as prescribed aforesaid for said bonds, in gold coin of the United States of America, and the whole or any part of such bonds redeemed upon notice as indicated in the form for said bonds hereinbefore set forth; but it shall not be necessary either in the resolution of intention or otherwise to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be at such treasurer's office, nor that such bonds are redeemable in the manner indicated in such form for said bonds hereinbefore set forth; but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

SEC. 14. A new section is hereby added to said act, to be numbered eight c, and to read as follows:

Special fund

Sec. 8c. A special fund to be named "Drainage District Improvement Fund No \_\_\_\_\_" (the number to be that of

the district). for the discharge and payment of such bonds and interest thereon and for the payment of the incidental costs and expenses of the organization of any district organized under this act, shall be constituted from funds to be derived from the collection of assessments levied against lands found to be benefited by improvements contemplated to be constructed as specified herein. There shall be each year, at the time of the levy of the general levy of state and county taxes, levied against and upon all lands within said Drainage Improvement District No. \_\_\_\_\_ (being the district established and as bounded in the order ordering the work to be done) a special assessment upon the lands found to be benefited by such improvement in an amount clearly sufficient to pay all the principal which has and will become due and all interest which has or will become payable on said bonds in any one year, and to maintain and repair the works and improvements therein before the proceeds of another assessment levied at the time of the general tax levy of the state and county can be made available for the payment of such bonds and such maintenance and repairs. And the board of supervisors is hereby vested with the power and it is the duty of said board to advertise said bonds for sale by at least one insertion of a notice of sale in a newspaper of general circulation within the county and to sell said bonds to the highest responsible bidder, and to do all and singular the things necessary for the purpose of selling said bonds and which in this section aforesaid it is declared shall be done.

Tax levy

Sale of bonds

SEC. 15. A new section is hereby added to said act, to be numbered eight *f*, and to read as follows:

Sec. 8*f*. The board of supervisors is hereby vested with power as follows, to wit:

Powers of supervisors

1. To appoint, at any stage of the proceeding before calling for proposals or bids, any competent person, to be designated "engineer of work," for the purpose of doing and furnishing all the civil engineering work or services, surveying, and similar work and services necessary to the proper doing of the work. His compensation or at least the rate or some basis for computing the same shall be fixed and stated in the order of his appointment, which said order shall be entered in the minutes of the board.

Engineer of work

2. To appoint, in and as a part of the resolution of intention, any competent person to be designated "superintendent of work," whose duty it shall be to perform the services for him in this act prescribed or indicated, and for the general actual supervision of the work. His compensation shall be fixed at the time and in the resolution of his appointment at not to exceed five dollars per diem for all time actually devoted to the work.

Superintendent of work

3. To designate any competent person for the purpose of preparing and furnishing the specifications required by section 2 of this act, and with such designation to fix his compensation, or some basis for computing the same.

Specifications

Fill  
vacancies.

4. To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation, so far as practicable, proportionately the same as fixed for the original appointee.

The same person may successively or otherwise be appointed to prepare specifications, to be superintendent of work and to be engineer of work, and these or any of them conjunctively with the aggregate of the compensation provided for each. But no part of such or any compensation shall be a charge against the county or any officer thereof, except that for furnishing specifications and posting the resolution of intention, the charge shall be against the county if the proceeding cease or be abandoned before the award of the contract.

SEC. 16. A new section is hereby added to said act, to be numbered eight *g*, and to read as follows:

Costs paid  
by  
contractor

SEC. 8*g*. All the costs and expenses of the proceeding, inclusive especially of the compensation of the person appointed to furnish the specifications, of the superintendent of work, of the engineer of work, of the cost of all publications under this act required to be made, shall be chargeable to and paid by the contractor, and they shall have been paid before delivery of the bonds shall be made by the county treasurer, *provided, however*, that the county treasurer may make delivery of such bonds, if there be deposited with him, subject to the order of the board of supervisors, money to the amount of the costs and expenses chargeable to the contractor as the same is stated in the attested order of the board of supervisors, provided for in section 8*d* of this act. The contractor and all persons claiming under him any interest in said bonds, whether of ownership, lien or otherwise, shall be deemed to have notice of the contents of this section

SEC. 17. A new section is hereby added to said act, to be numbered eight *h*, and to read as follows:

Designation  
of newspaper

SEC. 8*h*. If publication in the newspaper designated in the resolution of intention become impossible for the reason that such newspaper has ceased to be published or for any like reason, which renders publication therein impossible, the board of supervisors, may by a resolution to be entered in its minutes, and stating the facts, designate another newspaper for each required publication as occasion therefor arises.

SEC. 18. A new section is hereby added to said act, to be numbered eight *i*, and to read as follows:

Papers filed  
with clerk of  
supervisors

SEC. 8*i*. All papers in a proceeding under this act (save such as thereunder, may be returnable to owners) shall be filed with the clerk of the board of supervisors, and by him kept together in a package appropriately labeled. Whenever in this act the term "clerk of the board of supervisors" is employed, it shall be deemed to include one who is, *ex officio*, such, and it shall be immaterial that he designate himself as county clerk where the county clerk is *ex officio* clerk of the board of supervisors, nor shall it be material that his act be by deputy.

SEC. 19. Section nine of said act is hereby amended to read as follows:

Sec 9 After adopting said plans and specifications as hereinabove set forth, and before executing a contract for the construction of the improvement contemplated to be done thereunder the board of supervisors shall direct the county surveyor to estimate the total cost of making the proposed improvements and performing such proposed work, which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out said work and improvements, and to assess the benefits thereof to the lands in said district and to assess damages and to do all things proper and necessary to carry out the provisions of this act All such charges and expenses of making such estimate and assessing such benefits and damages shall be deemed as expenses of said work or improvements and be a charge only upon the funds devoted to the particular work or improvement, as provided herein, and all claims and charges for such expenses shall be paid as are claims against the county and upon order of the board of supervisors and the claims shall be itemized in the same manner as claims against the county are itemized.

County surveyor to estimate cost.

Said surveyor shall proceed to view the lands embraced within the boundaries of such drainage improvement district and may examine witnesses under oath Having viewed the lands to be taken and the improvements affected and considered the testimony presented, he shall proceed with all diligence to determine the value of the land and damage to improvements and property affected, and also the estimated amounts of the cost of the proposed work or improvement and the expenses incident thereto, and having determined the same shall proceed to assess the same to the lands within said district in proportion to the benefits to be derived from said work or improvement so far as said county surveyor can reasonably estimate the same, including in such estimate the real property of any railroad company within said district, if such there be.

To view lands, determine benefits, etc

In estimating the total cost and expenses of doing said work the county surveyor shall be governed by the amount deemed necessary by him to pay the principal and interest on bonds to be issued therefor as herein set forth and the incidental expenses to be incurred as herein authorized. Such estimate shall be based upon the lowest amount bid by the lowest responsible bidder at which a bidder will enter into a contract for doing the work as set forth in the specifications, together with an estimate of the incidental expenses to be incurred.

Estimate based on lowest bid

Said county surveyor, having made his assessment of the benefits and damages shall with all diligence make a written report thereof to the board of supervisors, and shall accompany said report with a plat of the district showing the proposed improvements to the lands assessed, showing the relative location of each block, lot or portion of lot, or other piece of land, and its dimensions so far as he can reasonably ascertain the

Report of surveyor

Plat filed

same. Each block and lot, or portion of lot, or other parcel or parcels of land affected or assessed shall be designated and described in said plat by an appropriate number and a reference to it by such descriptive number shall be sufficient description of it in all respects. When the report and plat are approved by the board of supervisors, a copy of said plat, appropriately designated and certified by the clerk of said board as a correct copy of the plat on file in his office shall be by the clerk of said board recorded in the office of the recorder of the county. Said report of said county surveyor shall also contain the names of the persons owning lands over which a right of way for said improvement has been obtained, as well as the name of any lessee, incumbrancer, or other person having an interest in said land over which a right of way has been obtained, together with the particulars of their interest therein, and together with a waiver of any interest they may have had in said land so obtained for said right of way. Errors in the designation of the owner or owners of any land or improvement or any interest therein, or of the particulars or their interest, shall not affect the validity of the assessment.

Hearing on surveyor's report.

The report of such county surveyor and the affidavit accompanying it shall be filed with the clerk of the board of supervisors, and said board shall thereupon fix a time for the hearing thereof, and thereupon the clerk of said board shall give notice of said hearing by publication for at least three weeks in a newspaper of general circulation published and circulated in the said district, if such there be, or if there is no such newspaper, then in some newspaper of general circulation published within the county in which said district is situated, said newspaper to be designated by said board. Such notice shall be substantially in the following form

Notice of filing of surveyor's report.

*Notice of the filing of the county surveyor's report of Drainage Improvement No. \_\_\_\_\_ (designating the district by an appropriate number) of the county of \_\_\_\_\_.*

Notice is hereby given that the county surveyor of the county of \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_, file his report of the assessment of benefits in drainage district improvement No. \_\_\_\_\_ (designating the district by an appropriate number), with the clerk of the board of supervisors of said county, which said report is now on file in the office of the said board of supervisors in the city of \_\_\_\_\_, said county, and that said report will be heard by said board at its office on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ m. Said report and the survey map, plans and specifications of the improvements mentioned therein are hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, at the time fixed for said hearing why such report should not be adopted and confirmed by said board of supervisors, and to show cause, if any they have, at the time fixed for said hearing, why the several lands or parcels of land therein referred to should not be assessed for said improvement as set forth in said

report. All objections shall be in writing, signed by the person objecting, and filed with the clerk of said board at least one day prior to the time fixed for the hearing of said report.

(Signed) -----

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

Any person interested may file with the clerk of said board at least one day before the time fixed for the hearing, a written objection to said report, or to any part thereof, to the assessment as a whole or to the assessments on the several parcels of land, as set forth in said report. At the time fixed for such hearing or at any time to which the hearing may be adjourned, the board of supervisors shall hear all objections so filed, and pass upon the same, and shall proceed to pass upon said report and the assessments therein contained, and may confirm, correct or modify the same, or may order the county surveyor to make a new assessment, report and plat which shall be filed, heard and acted upon in the same manner, and on like notice as in the case of an original report. The action of the board upon the report and objections thereto shall be final and conclusive as to all matters which they might have remedied or avoided, and no assessment shall be set aside except upon such hearing for any error, defect, or informality therein, or in the proceedings prior thereto, where the district has been legally formed and notice of the hearing of the report has been given as herein prescribed.

Objections

After said report has been adopted as provided in the preceding section, the board of supervisors shall by order entered upon its minutes provide for the amount of money to be raised by assessment each year. When the board has determined the sum to be assessed for each year, and the number of years that such assessment shall continue, (which said number of years shall correspond to the number of years within which the aggregate number of bonds to be issued under this act shall be paid and discharged), said board shall cause the clerk of said board to forward to the tax collector of the county in which such district is situated a certified copy of the report, assessment, and plat, as adopted and confirmed by said board of supervisors, together with a certified copy of the order of said board fixing the sum to be raised by such assessment, each year, and the number of years such assessment shall continue, and from and after the filing of such certified copy the charges assessed upon each piece of land or improvements therein for the first year shall become due and payable immediately, and shall constitute a lien thereon, and thereafter the assessments for the succeeding year shall become due and payable on the first day of October of each year, and shall upon becoming due and payable constitute a lien upon the land or improvements upon which it is assessed.

Amount of money to be raised by assessment

All moneys paid upon such assessment, either by property owners or by the county or municipality affected, shall be placed in the county treasury of the county in which such

Moneys placed in special fund

- drainage district was organized to the credit of a special fund to be known as Drainage District Improvement Fund No. ----, and shall be used only to retire the bonds issued to pay the expense and cost of constructing the improvement described in survey, maps, plans and specifications adopted by the board of supervisors, and to pay other incidental expenses herein-
- Surplus** above enumerated; *provided, however,* that any surplus remaining after the construction thereof shall be paid into the current expense or maintenance fund. Payment from such funds shall be made upon demand prepared, presented, allowed and audited in the same manner as demands upon the funds of the county. Upon the filing of such certified copy of such report, assessment plat and order with the tax collector of the county, as hereinbefore prescribed, the county tax collector shall give notice by a ten days publication in a newspaper printed in the county that the assessment list of Drainage Improvement District No. ----- has been filed in his office, with the date of
- When delinquent** such filing That the amounts entered thereon are due and payable, and that if not paid on or before the first Monday in October next ensuing the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, giving receipts as in the payment of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes paid into said treasury
- Subsequent collection.** All subsequent collection of assessments shall be made in the same manner above set forth and the tax collector shall annually after the first year, publish a like notice containing all the statements required to be made, as hereinbefore in this section set forth, and the same proceedings shall be had as upon the collection of the first assessment.
- Collection of delinquent assessments** When said assessments have become delinquent the tax collector of such county shall proceed to collect such delinquent assessments with five per cent added thereon, and pay the same, including the five per cent so collected, over to the county treasurer in the same manner as state and county taxes are collected and paid over, and for the purpose of collecting such assessments and delinquent assessments all of the provisions of chapter 7, title 9, part 3 of the Political Code not in conflict with any of the provisions of this act are hereby made applicable to the collection of assessments and delinquent assessments in such drainage districts.
- Maintenance fund** The board of supervisors shall, at the time of making the levy of taxes for county purposes for each year, levy a tax upon the real estate in each drainage district organized under this act in their county sufficient in amount to raise the amount of money which will be needed for the current year for maintaining and repairing the works and improvements for said district. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When the same is collected it shall be placed in the treasury of the county to the credit of the current expense

fund of said district and shall be used only for the purpose for which it was raised. Payments shall be made from said fund in the same manner as from the improvement fund of the district.

SEC. 20. Section twelve of said act is hereby amended to read as follows:

Sec. 12. Whenever the board of supervisors of any county in which a district is formed under this act can not purchase at a reasonable price or procure the right of way, or any lands found by them to be necessary in order to carry out the plans and specifications for the proposed drainage of any such district, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the board may proceed to condemn the same under the provisions of title VII, part III of the Code of Civil Procedure and amendments thereto which are now existing or may hereafter be made.

Right to condemn right of way, etc

SEC. 21. The title of said act is hereby amended to read as follows:

“An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie, providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof.”

Amended title

CHAPTER 184.

*An act providing for the preferential rights of certain persons to purchase public lands of the state.*

[Became a law, under constitutional provision, without Governor's approval, May 7, 1915. In effect August 8, 1915 ]

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

SECTION 1. Whenever a court of competent jurisdiction shall by final decree cancel any patent to state lands heretofore issued, on account of its being obtained by fraud, or in any manner contrary to law, thereupon any person duly qualified to purchase state lands whose application to purchase any land included in such canceled patent was in the hands of the surveyor general on the first day of January, one thousand nine hundred fifteen, shall have the first and prior right to purchase the land described in his said application for a period of six months after the entry of such final decree, in accordance with the provisions of article IIa, chapter I, title VIII, of the Political Code.

Right to purchase public lands after cancellation of patent.

## CHAPTER 185.

*An act to amend sections two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, and twenty-two of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as 'the local improvement act of 1901,' " which became a law under constitutional provision without the governor's approval February 26, 1901, and to add thereto a new section to be numbered twenty-two a, relating to alteration of plans for local improvements.*

[Became a law under constitutional provision, without Governor's approval, May 7, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers, within municipalities, such act to be known as 'the local improvement act of 1901.' " which became a law under constitutional provision, without governor's approval, February 26, 1901, is hereby amended to read as follows:

Sec. 2. Whenever the public interest or convenience may require, the legislative body of any municipality is hereby authorized and empowered to order the whole, or any portion, either in length or width, of any one or more of the public streets, avenues, lanes, alleys, courts, places, or public ways of such municipality graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oled or reoled; and the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, man-holes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants, and appliances for fire protection, tunnels, viaducts, conduits, and subways, breakwaters, levees, bulkheads, and walls of rock or other material to protect the same from overflow or injury by water; and the erection or re-erection, construction or reconstruction of poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same, and the planting or replanting of trees on said streets; and the construction or reconstruction in, over or through property or rights of way owned or acquired by such municipality, of tunnels, sewers, ditches,

Cities may  
improve  
streets, etc.

drains, conduits, and channels, for sanitary and drainage purposes, or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers; pipes, hydrants and appliances for fire protection; and the construction or reconstruction of breakwaters, levees, bulkheads, and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways, bridges, and other public property in any such municipality from overflow by water; and any work to be done which shall be deemed necessary to improve the whole or any part of such streets, avenues, lanes, alleys, courts, places, public ways, bridges, sidewalks, or property or rights of way of such municipality.

The said legislative body may include in one proceeding and order any of the different kinds of work mentioned in this act, and may include therein such work on any number of streets and rights of way, or any portion thereof, in one proceeding and one contract, and may except therefrom any of said work already done to the official grade, and which may be in good condition and repair.

Different kinds of work in one proceeding

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

Sec. 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the legislative body shall pass a resolution containing a general description of the proposed improvement, and referring the same to the city engineer or board of public works or commissioner of public works, if there be one; if not, to some civil engineer employed by them for the purpose and named in the said resolution, and instructing such engineer or board or commissioner to make a report in writing to the legislative body, containing his recommendations as to the best method of making said improvement, to which report shall be attached the exhibits hereinafter referred to.

Resolution.

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

Sec. 4. Thereafter, the said engineer, or board of public works, or commissioner of public works, shall file with the clerk of the municipality the report called for by section three above, and there shall be annexed thereto the following exhibits, to wit:

Report of engineer

1. A general description of the work to be done, excepting therefrom any work to be done by any person, firm or corporation having railroads on any of the streets, lanes, alleys, courts or places within said municipality.

General description

2. A description of the exterior boundaries of the district of lands which will be benefited by the proposed improvement, the lots and lands within which should be specially assessed, according to benefits, if any, they may receive, to pay the costs and expenses of the improvement.

Boundaries

3. Plans, profiles, cross-sections, and specifications for making the proposed improvement.

Plans.

Cost. 4. An estimate of the total cost of said improvement, including incidental expenses likely to be incurred, in connection therewith, including clerical, engineering, inspection, printing, advertising, and all other expenses.

Map 5. A map showing the district above referred to, giving the subdivisions of the property therein, as nearly as can be ascertained by said engineer or board or commissioner, with the dimensions thereof, as ascertained by said engineer, or board, or commissioner, each of which subdivisions shall be given a red ink number upon said map, which red ink number shall in all of the subsequent proceedings be a sufficient description of such land when given or referred to in connection with a reference to said map. But any error in the description, or in the dimensions of any lot or lands appearing on said map shall not invalidate the assessment or the proceedings herein provided for.

List of owners 6. A list, referring to said subdivisions upon said map by the respective red ink numbers thereon, and giving the names of the owners, if known, otherwise designating them as unknown; but any error in the name of the owner of any lot or lands shall in no way invalidate the proceedings, or the assessment levied against such lot or lands. The list shall include an estimate of the benefits, if any, which each lot or parcel of land within said district will receive from the proposed improvement.

Number of the proceedings 7. The number of the proceedings, which shall be the number under which all subsequent action shall be taken in said proceeding, and thereafter a reference to such number shall be sufficient to identify any record or action thereunder.

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

Power to adopt or reject report. Sec. 5. After the report of the engineer or board or commissioner, provided for in section four, has been filed with the clerk of the municipality, the legislative body shall consider the same, and shall have power, by resolution, to adopt it as filed by said engineer or board or commissioner, and to levy the assessments according to the estimated benefits given by said engineer or board or commissioner; or said body may reject said report or any part thereof, or order it to be modified in any respect and may adopt the same as modified; or it may order a new and different report, which may be adopted, rejected, modified or altered as in the first instance; but the same shall not constitute a lien until all of the owners of the lots and lands within the district described therein shall have had an opportunity to be heard thereon, as hereinafter provided

Resolution adopting report In the resolution adopting said report, said legislative body shall:

1. Levy said assessment in accordance with the benefits to the lots and lands within the district and in accordance with the report of the engineer adopted and approved.

2. Determine whether or not serial bonds shall issue in the manner and form as hereafter provided.

3. The rate of interest to be allowed on said bonds, and on deferred payments hereinafter mentioned, which shall not be less than six per cent per annum, nor more than ten per cent per annum.

4. The time and place, when and where, all property owners within said district may appear before said legislative body, and show cause, if any they have, why said improvement should not be made as provided for in said report, and why said assessment should not become a lien upon the property in said district as assessed thereon.

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

Sec 6. After the adoption of the resolution mentioned in section five of this act, there shall be posted along all streets, lanes, alleys, courts and places or public ways within said assessment district, at distances not more than three hundred feet apart (but not less than three in all) notices of the hearing provided for in section five of this act, which notices shall be headed "Notice of local improvement" in letters of not less than three-fourths of an inch in height, and shall state the fact and date of the adoption of said resolution mentioned in said section five, briefly describe the improvement proposed, give a description of the exterior boundaries of said district, and shall refer to said resolution, and the report of the engineer or board for further particulars.

And said notice shall state the time and place, for which the hearing provided for by section five, has been set, and it shall be posted as aforesaid at least ten days prior to the time set for said hearing; and it shall notify all owners or persons interested in any real property within said district to then and there show cause, if any they have, why said improvement proposed should not be made and the proceedings carried out in accordance with the said report and resolution, and the assessment levied should not become a lien upon the lots and lands within said district.

A notice similar in substance shall be published at least once in some newspaper of general circulation published and circulated in such municipality, if there be one so published therein. If there be no newspaper of general circulation published and circulated in such municipality, then the notice by posting as hereinbefore provided shall be sufficient.

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

Sec. 8. At the hearing, provided for in the preceding section, the said legislative body shall have power by resolution to set aside, alter, modify, or confirm said report, and may order the said engineer or board or commissioner to alter or modify said report in any particular, and may thereafter, by resolution, confirm the same as modified, and where the same

is confirmed, the lien of the assessments provided for and theretofore levied and as adopted and confirmed, shall immediately attach to the respective parcels of land within said district in accordance therewith. And the said action of the said legislative body upon such objections and assessments shall be final and conclusive in the premises.

Assessments  
lien on  
property

All special assessments levied under the provisions of this act, shall, from the date of confirmation thereof as herein provided for, be a lien upon the premises upon which they are imposed, paramount to all other liens, except prior assessments and general taxes, and such lien shall continue thereon until such special assessments are paid and discharged; and all parties shall be presumed to have constructive notice thereof from the date of the adoption of the resolution hereinabove provided for.

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

Action to  
test validity  
of  
proceeding.

Sec. 9. Any action to contest the validity of an assessment levied by the legislative body of any municipality under the provisions of this act or any other proceeding of said legislative body or any act of any municipal officer under the provisions of this act must be commenced within thirty days after the adoption by such legislative body of the resolution provided for in the preceding section or within thirty days after the commission or omission of the act complained of, as the case may be; and any appeal taken from a final judgment in such action shall be perfected within thirty days after the entry thereof.

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

Map and  
list recorded  
by tax  
collector.

Sec 10. After the adoption of the resolution provided for in section eight hereof, the clerk of said municipality shall transmit to the tax collector of the municipality the map and list provided for in subdivisions five and six respectively of section four hereof, upon receipt of which the said tax collector shall record the same in a substantial book to be kept for that purpose in his office. Said book shall be ruled with appropriate columns in which to place all matters appearing on said list and also a record of the fact of all payments received by him; and the date and amount; or in case of agreements and waivers being signed and bonds being issued as hereinafter provided, a record of that fact; or the fact of the sale of the lots set opposite the number thereof, in case of a sale, and to whom, and for what amount, together with the date thereof, and whether the whole or only a portion of such lot or lands were sold.

Recording  
deemed  
notice

From the time of such recording, all persons shall be deemed to have notice of the contents thereof, which record shall have the same force and effect as other public records, and shall be open to inspection during all office hours free of charge.

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

Sec 11. The said tax collector shall thereupon fix a time, which shall not be more than thirty days thereafter, within which the payments of said assessments shall be made; or agreements and waivers executed as hereinafter provided, for bonds to issue in lieu of such payments, notice of which time shall be given by publication at least once in some newspaper of general circulation published in such municipality, if there be one published therein, otherwise by posting in three public places in said municipality.

Payment of assessments.

All assessments collected shall be noted in the aforementioned record in the proper column thereof, opposite the number of the lot upon which the same has been paid; or if an agreement and waiver has been executed by the owner of any lot or lands for bonds to be issued as hereinafter provided; or said lot is sold for the nonpayment of the assessment levied thereon, that fact shall be noted in said record in the proper column.

Sec 10. Section twelve of said act is hereby amended to read as follows:

Sec. 12. At the expiration of said time so fixed by the tax collector for the payment of said assessments as aforesaid, he shall add to each of the assessments which have not been paid or against which agreements and waivers have not been executed, as hereinafter provided, twenty-five per cent of the amount of such assessment. Thereupon he shall proceed to sell all lands and lots covered by such assessments, or so much of each lot, piece or parcel of land as shall be necessary to realize the amount assessed against the same together with said additional twenty-five per cent and interest on the amount of said assessment at the rate fixed by resolution provided for in section five above from the time so fixed by the tax collector for the payment of said assessments as aforesaid to the date of such sale, by giving notice of said sale in conformity with the laws of the State of California, provided for the notice and sale of real property upon execution; *provided, however*, that the descriptions of the various parcels of land to be sold need not be set out at length therein, but only by the respective red ink numbers of the same shown upon the map and list provided for in section four of this act, which map shall be properly referred to in said notice for further particulars of description; and which notice shall be in one writing, and shall contain all the descriptions of said lands by their respective red ink numbers.

Penalty for non-payment of assessments.

At the time and place fixed for the sale of said property the tax collector shall sell the respective lots, pieces or parcels of land within said district, the assessments against which have not been paid or against which agreements and waivers have not been executed as hereinafter provided, or so much of each lot, piece or parcel of land as shall be necessary to realize the amount assessed against the same, together with

Sale of lots.

said additional twenty-five per cent and interest on the amount of said assessment at the rate fixed by resolution provided for in section five above from the time so fixed by the tax collector for the payment of said assessments as aforesaid to the date of such sale. in the order of their numbers upon said map and list, at such sale the municipality may be a bidder. In case there is no bid on any of said lots, pieces or parcels of land equal to the amount of said assessment with accrued interest and said additional twenty-five per cent, the municipality must buy said property for the amount of said assessment with accrued interest and said additional twenty-five per cent, and it is hereby made the duty of the tax collector of the municipality to bid said sum in such event on behalf of said municipality, and the amount thus bid on behalf of said municipality shall be transferred from the general or other appropriate fund to the local improvement fund of said district; *provided, however*, that if any lot, piece or parcel of land within said district, the assessment against which has not been paid or against which agreement and waiver has not been executed as hereinafter provided, or against which an agreement and waiver has been executed by some one not the owner of said lot, piece or parcel of land, is omitted from said sale, the tax collector may at any time thereafter sell such lot, piece or parcel of land as herein provided to realize the amount remaining unpaid on said assessment, together with an additional twenty-five per cent and interest on the amount of said assessment at the rate fixed by resolution provided for in section five above from the time so fixed by the tax collector for the payment of said assessments as aforesaid to the date of such sale.

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

Certificate  
of sale

SEC 13. The said tax collector shall issue for each sale made a certificate of sale referring to the number of the proceeding under this act, describing the parcel so sold, either by the red ink number appearing upon the said map and list, together with a reference to said map for further particulars of description, or by the red ink number and also metes and bounds or the lot, block and tract number as it may appear on any other map of record, and containing the name of the purchaser, which certificate he shall deliver to said purchaser, after noting the same in the proper column of the aforementioned record; which certificate shall be conclusive evidence of the regularity of all proceedings leading up to the same, and the issuance thereof, under this act, and of the validity of the said lien and sale. Upon the delivery of said certificate of sale to the purchaser, the lien of the assessment shall vest in him, and is only divested by a redemption of the property as provided in this act.

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

Sec. 14. At any time before the expiration of five years after said sale, any property sold under the provisions of this act may be redeemed by the owner thereof by the payment to the said tax collector of the amount for which the said property was sold, and also any amount which the said purchaser may have paid out for taxes or assessments, a memorandum of which may have been filed with said tax collector, and which shall be noted on said record by him, together with interest at the rate of one per cent per month on all amounts paid by such purchaser; which redemption money shall be paid by the said tax collector to the owner of the certificate of sale, upon the same being delivered up to be cancelled, and a receipt given to said tax collector for the amount so paid by him, the fact and date of which redemption together with the amount paid therefor, shall be noted by said tax collector on the margin of said record of assessment.

Redemption  
of property  
sold

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

Sec. 15 If the property sold as provided in the above proceedings be not redeemed within five years after the sale, the tax collector shall then issue to the party named in the original certificate, or his assignee, a deed of the property described in said certificate, which said deed shall refer, in general terms, to the proceedings under which the same is issued, and shall contain a description of the property following the description in the certificate; the grantee of such deed is, immediately upon receipt thereof, entitled to possession of the property described therein.

Deed to  
property not  
redeemed

SEC. 14. Section sixteen of said act is hereby amended to read as follows:

Sec. 16 If, however, the legislative body of said municipality has declared in the resolution provided for in section five hereof, that bonds may issue in lieu of cash payments for said assessments and during the time fixed by the said tax collector for the payment of said assessments, the owner of any lot, piece or parcel of such land so assessed for twenty-five dollars or over, or his duly authorized agent, shall file with the said tax collector an affidavit made before a competent officer, that he is the owner of record of any such lot or land, and shall make, execute and deliver to said tax collector a written agreement between himself and said municipality waiving all objections to the proceedings therein, and undertaking to pay the amount of said assessment, together with interest as hereinafter provided; then, the same shall not be sold for non-payment of the assessment levied against it, as above provided, but bonds shall issue in lieu of such payment, as hereinafter provided.

Bonds may  
be issued in  
lieu of cash  
payments

The assessments on the various parcels covered by waivers and agreements shall be payable in installments of ten in number, the first of which shall be paid at the time said agreement and waiver is filed, and the remainder of said installments shall be payable annually thereafter, one each year, at

Installment  
payments

# OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT

## REPUBLICAN PARTY

Third Assembly District, May 14, 1912

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name.

For Delegates to National Convention. Vote for 26, either as individuals or by group. But do not vote for more than 26.

Candidates Preferring JOHN P. MONROE		Candidates Preferring WILLIAM ADAMS		Candidates Preferring HENRY JACKSON		No Preference Column		Blank Column	
1. JOHN SMITH	Top of group.	1. ANDREW LEWIS	Top of group.	1. THOMAS TUCKER	Top of group.	JAMES CONWAY			
2. CHARLES BROWN	A cross (X) stamped in this square <input type="checkbox"/> shall be counted for each name in the group to the left.	2. JAMES CONNORS	A cross (X) stamped in this square <input type="checkbox"/> shall be counted for each name in the group to the left.	2. WILLIAM REED	A cross (X) stamped in this square <input type="checkbox"/> shall be counted for each name in the group to the left.	EVERETT WILLIAMS			
3. JOSEPH CANNON		3. HENRY HOFFMAN		3. JAMES WILSON		WALTER P. SHORT			
4. G. P. HENRY		4. FRANK CHURCH		4. JOHN BROWN		EDWIN LONG			
5. GEORGE A. HALL		5. GEO. WATSON		5. H. P. GOODMAN		J. T. BLACK			
6. JOHN BORT		6. EDWARD PEASE		6. J. B. SMITH		JOHN COULTER			
7. FRANK GOOD		7. ROBERT LLOYD		7. E. J. JONES		D. V. ELLISON			
8. ROBERT HANSON		8. ROBERT PRINCE		8. PETER STIRLING		ANDREW BUSH			
9. FRANK HANLON		9. PHILIP ROBERTSON		9. N. O. MASON		PERRY ALLEN			
10. FRED MARTIN		10. GEORGE CARPENTER		10. E. R. SILL		SAM BILLINGS			
11. CHAS. B. HAMILTON		11. HENRY SIMMES		11. L. D. JOHNSON		ARTHUR GALE			
12. WALTER PERRY		12. DANIEL SNOW		12. ANDREW TURNER		F. J. WHITE			
13. JOHN GRAHAM		13. WALTER SCOTT		13. F. C. DONAHUE					
14. GEO. P. GOLDEN		14. EDWARD KING		14. D. L. TAYLOR					
15. THOMAS GIBSON		15. FRED TYLER		15. JOHN THOMPSON					
16. HENRY GARDNER		16. WILLIAM BROOKS		16. O. T. MOORE					
17. CHAS. M. FRENCH		17. JOHN GORMAN		17. L. J. CARSON					
18. DAVID FOWLER		18. FRANK McCLURE		18. F. G. JONES					
19. LOUIS FREEMAN		19. HARRY WRIGHT		19. JOHN SAMTER					
20. JACOB DUNBAR		20. CHARLES YOUNG		20. E. F. JOHNSON					
21. HENRY DOYLE		21. DAVID BALL		21. X. V. BROAD					
22. HERMAN DAVIS		22. EUGENE CAHILL		22. PETER HEAD					
23. FRED CLARK		23. ANDREW GREEN		23. L. T. WILLIAMS					
24. ROBERT BURNETT		24. EDWARD WHITE		24. ELLIS THORNTON					
25. JOHN BUSHNELL		25. JAMES GIBSON		25. HUGH CONWAY					
26. CHARLES MARTIN		26. GEO. MERRILL		26. E. T. WILLIAMSON					
THOMAS F. BRADLEY		FRED A. CHAMBERS		FRANK D. ARMES					
DAVID JONES		R. G. KENNY							
		EDWIN MILLER							

the time when the first installment of municipal taxes, within said municipality, is payable. At the time of the payment of the second installment of the assessment, there shall be paid interest on all deferred payments from the date of said agreement to the second day of January following at the rate fixed by the resolution provided for in section five above. At the time of the payment of the third, and all succeeding installments of the assessment, there shall be paid interest on all deferred payments from the second day of January preceding to second day of January following, at the rate fixed by the resolution provided for in section five, above.

Said agreements and waivers shall provide that said assessments shall be paid as above provided by the person executing the same, and said person shall therein waive all objection, of whatsoever kind or nature against the proceedings and the assessment levied therein, and undertake to pay said assessment levied against said lot or lands as above provided.

Said agreements shall be dated the last day for cash payments fixed by the tax collector, and shall bear interest from that day.

Said agreements and waivers shall be taken upon printed form provided by the tax collector of the municipality and shall be kept among the records in his office, the form of which shall be substantially as follows:

AGREEMENT AND WAIVER.

*Local Improvement District No. -----*

The undersigned, owner of that certain lot, piece or parcel of land situate, lying and being in the city of -----, county of -----, State of California, and being more particularly described as lot No. ----- marked in red ink on the map of said district, reference to which map is hereby made for further particulars of description, does hereby petition the legislative body of said municipality to be permitted to pay in ten annual installments, together with interest thereon, that certain assessment heretofore levied thereon in said district No. ----- heretofore formed.

In consideration thereof, the undersigned does hereby agree to waive and does hereby waive, all objections of whatsoever kind or nature against said assessment and all proceedings with reference to the same, and the undersigned in consideration thereof does hereby undertake to pay the said assessment on said real property in annual installments of ten in number with interest on all deferred payments at the rate of ----- per cent per annum (insert rate fixed by resolution provided for in section five above) payable at the same time as installments of principal, as in said act provided, and does hereby agree to all the provisions of said act.

(Signature of owner.)

-----  
(Residence of owner, giving street or  
avenue, and city or town, and state .  
-----

Dated -----

In case of default in payment of any installment of principal, or interest accrued on deferred payments at the time provided herein, the entire remaining unpaid installments with accrued interest shall become immediately due and payable, together with an additional twenty-five per cent of the total amount still unpaid, and the tax collector of the municipality shall sell the property covered by the delinquent assessment, to realize the unpaid balance of said installments with accrued interest and said additional twenty-five per cent of the total amount still unpaid. At such sale the municipality may be a bidder. In case there is no bid for said property equal to the unpaid balance of said assessment with accrued interest, and said additional twenty-five per cent of the total amount still unpaid, the municipality must buy said property for the amount of said unpaid balance of said assessment with accrued interest, and said additional twenty-five per cent of the total amount still unpaid and it is hereby made the duty of the tax collector of the municipality to bid said sum in such event on behalf of said municipality, and the amount thus bid on behalf of said municipality shall be transferred from the general or other appropriate fund to the local improvement fund of said district.

Default in  
payment of  
installment

Said sale shall be made in the manner provided for in section twelve of this act and a certificate of sale shall be issued to the purchaser as provided in section thirteen of this act, and the said lots and lands shall be subject to redemption as provided in section fourteen of this act; and a deed shall be given, if not redeemed within one year, as provided in section fifteen of this act.

Any interested property owner may release and discharge any such unpaid assessment secured by agreement and waiver as herein provided by paying the total amount then due, for principal and interest, together with interest thereon for one year thereafter.

SEC 15 Section eighteen of said act is hereby amended to read as follows:

Sec 18 At any time after such assessments have been collected either by payment, or by a sale of the lots and lands as above provided, and agreements have been made, executed and delivered providing for bonds to issue and the funds to pay for the work, or any part of such funds are actually in the hands of the treasurer of said municipality, the said legislative body may, by resolution, order the work done or improvement made. Notice inviting sealed proposals or bids for doing the work ordered shall be published in some newspaper published in said municipality for two insertions, or if there be no such newspaper, then by posting in three public places in said municipality. Such notice shall refer to the report of the engineer or board or commissioner for the particulars of the description of the work and plans and specifications thereof. The time and place shall be fixed in said notice for the opening of proposals or bids, and shall not be less than ten days from

Work  
ordered  
done.

Bids

Certified  
check

the time of the first publication or posting of said notice, and bids or proposals may be filed at any time prior to the time so fixed for the openings of proposals or bids. Every bid shall be accompanied by a certified check amounting to ten per cent of the bid, payable to the order of the presiding officer of the legislative body of the municipality, and the same shall be forfeited to the municipality in case the bidder depositing the same does not within ten days after written notice that the contract has been awarded to him, enter into a contract with the municipality for doing the work, the faithful performance of which shall be secured by a bond in such penal sum as the legislative body shall deem adequate, not exceeding the estimated cost of the work, and with sureties satisfactory to said body; and he shall also give a good and sufficient bond, in such sum as said body shall designate, not to exceed, however, the estimated cost of said work or improvement nor less than fifty per cent of the estimated cost, and approved by said body, which bond shall be made to inure to the benefit of any and all persons, companies and corporations who shall perform labor on, or furnish materials to be used in the performance of said work or improvement, and shall provide that if the contractor, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for said work or improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. The legislative body shall in open session publicly open, examine, and declare the proposals or bids received. The legislative body may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. The presiding officer of the legislative body shall execute all written contracts under this act on behalf of the municipality. When such contract and bonds have been entered into, said check shall be returned to the successful bidder; the unsuccessful bidders shall receive their checks upon notice of rejection of their bids. The said contract must provide that the work be done, and the work must be done, strictly in accordance with the plans and specifications provided for in section 4 of this act. And said work must be done under the supervision of the engineer or board of public works or an inspector appointed for that purpose by the said legislative body.

Bids opened

Contract  
entered into.

SEC. 16 Section nineteen of said act is hereby amended to read as follows:

Payment of  
deficiency

Sec. 19. In case the first assessment levied shall prove insufficient to pay the contract price and the incidental expenses of the proceeding the municipality may order paid out of any money available in the municipal treasury the deficiency; or

the said legislative body may order the deficiency advanced from any available money in the treasury, and thereafter order an additional assessment levied and collected from the lots and lands within the district as hereinafter provided, or the legislative body may, by resolution, order the levy and collection of an additional assessment against said lots and lands, which shall include the additional incidental expenses of levying and collecting the same, and shall order an additional list, according to the red ink numbers given on the map as provided for in subdivision six of section four of this act prepared and filed, which assessment and list and the collection of said assessment shall follow the same course and proceedings as the original assessment and list as nearly as may be. In case of the advancement of any money from the available funds in the municipal treasury, the same shall be transferred to the proper fund under this act, and thereafter when the additional assessment is collected as heremabove provided, the same amount must be re-transferred to the fund from which it was borrowed.

SEC. 17. Section twenty of said act is hereby amended to read as follows:

Sec. 20. If at any time an assessment for any local improvement under the provisions of this act shall realize a larger sum than is necessary for such improvement, the excess shall be refunded upon warrants on the treasurer, authorized by the legislative body, pro rata, out of the special fund therefor, to the parties by whom it was paid; and, in the case of installment agreements such excess shall be credited on the unpaid installments, beginning with the one due at the latest date.

When there is a failure to receive any bid for doing the work contemplated under the provisions of this act; or when by reason of the abandonment of the work by the contractor before completion and a failure to procure a bidder to complete the work after such abandonment by the contractor; or when by reason of a change in the condition of the ground in, over or along which the improvement is contemplated or is in process of construction under the provisions hereof, caused by the action of the elements; or when for any other reason it becomes impossible or impracticable to construct or complete the improvement under the plans, profiles, cross section and specifications previously adopted by the legislative body in pursuance of proceedings had under this act; then, and in any of such events, said legislative body shall have the right to pass a resolution abandoning said work or improvement.

In the event said work is so abandoned by the municipality prior to letting a contract for the performance of such work, or before any work has been performed, then and in that event, all money raised by assessment for doing said work and in the hands of the treasurer for that purpose (after deducting the incidental expenses actually incurred under such proceedings) shall be refunded upon warrant on the treasurer, authorized by the legislative body, pro rata to the parties by whom it was

Excess  
refunded

Abandoning  
work

paid; and in the case of installment agreements, shall be credited on the unpaid installments, beginning with the one due at the latest date

Abandonment by contractor

In the event said work is abandoned by the contractor during the process of construction, and subsequent to letting a contract therefor, and subsequent to the completion and acceptance by the legislative body of some portion of the work contemplated by said proceedings: then, before any pro rata payment of the funds collected for that purpose shall be made, or credits given on the said unpaid installments, a proper amount shall be deducted from said funds so collected in proportion to such collections, and a proper proportion of said installments shall remain uncanceled, sufficient to pay the proper proportion of the cost of the work already done and accepted by the legislative body, together with the incidental expenses actually incurred under the proceedings; and the balance shall be refunded pro rata to the parties paying the same, and credits given on the unpaid installments, in the same manner as hereinbefore provided; except, that there shall be only a pro rata payment made, or credit given on installment agreements to the owners of property assessed therefor, over and above any benefits which their said property shall have received from the portion of the improvement made and accepted, by reason of the work done prior to the said abandonment: *provided*, that the legislative body shall in the resolution declaring the proceedings abandoned, designate the amount and value of the benefit, if any, received from such partial performance of said contract, by each lot or parcel of land within the district which are not entitled to a full refund, which amounts so designated shall be withheld from refund or credit upon the installment agreements. The balance due on said installment agreements shall remain payable, together with interest, in the time and manner stated therein unless sooner paid and canceled as provided in section sixteen of this act; and none of the provisions of this section shall invalidate any of the proceedings under this act prior to the adoption of the resolution declaring the said proceedings abandoned, or invalidate any bonds which shall have been issued and sold under the provisions of this act, which bonds shall remain payable out of any funds to be collected from any unpaid assessment on lots or lands upon which installment agreements have been given. And the maturity of such bonds and interest may be advanced and the same paid and canceled as provided in section twenty-one of this act.

Amount of benefit

SEC. 18. Section twenty-one of said act is hereby amended to read as follows:

Issue of bonds

Sec. 21. Whenever the legislative body of the municipality shall have determined that bonds shall issue, as provided for in section five of this act: and when the owner of any lot or lands assessed for twenty-five dollars or over, shall make, execute and deliver to the tax collector of said municipality an agreement as provided for by section sixteen of this act; then the

said tax collector shall make and certify to the legislative body of the municipality the total amount of all assessments unpaid and for which agreements and waivers have been executed. At any time thereafter the legislative body may order bonds issued against the said special local improvement fund to the total amount of the assessments remaining unpaid, or uncanceled as above provided, and which are covered by agreements and waivers. The bonds shall be issued in any one hundred dollar denomination, from one hundred dollars to one thousand dollars: *provided*, that nine bonds in any issue may be for some other denomination. The rate of interest on said bonds shall be the rate of interest fixed by the resolutions provided for in section five of this act. Such bonds shall be numbered from one upwards consecutively, and shall be called in and paid in their numerical order. Said bonds shall give the name and number of the proceedings under this act, and shall bear date the day they are issued, and shall be payable to bearer, and shall be serial bonds. The said bonds and interest shall be payable exclusively from said local improvement fund, and neither the municipality nor any officer thereof shall be holden for payment otherwise of its principal or interest. *provided*, that if at the close of any fiscal year there shall not be sufficient money in any local improvement fund against which said bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, it is hereby made the duty of the treasurer to pay out of the general fund of the municipality such bonds and interest due at such time as shall not have otherwise been paid. If at any time the treasurer pays any bond out of the general fund of the municipality under the provisions of this act, it is hereby made the duty of the treasurer to reimburse the general fund of the municipality from the moneys thereafter received by him, through proceedings following default in the payment of the installments as herein provided. Said bonds and interest accruing thereon shall be payable out of any moneys in said fund at the date of maturity, in order of presentation; and shall be secured by all agreements and liens provided for by this act. Interest coupons shall be attached to said bonds in sufficient numbers. Said bonds shall be signed by the presiding officer of the municipality, and countersigned by the treasurer thereof, and the seal of the municipality shall be attached thereto. The interest coupons shall be signed by the treasurer of the municipality, and his signature thereto may be made by lithograph.

Denomina-  
tion of  
bonds

Interest

Payment  
from general  
fund

Signatures

Said bonds, by their issuance, shall be conclusive evidence of the regularity of all the proceedings leading up to, and the issuance thereof under this act, and of the validity of said lien provided for.

The term of said bonds shall be as follows: The term of the first one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the succeeding second day of January; the term of the second one-ninth numerically of said

Life of  
bonds.

bonds shall be from the date of the issuance of said bonds to the second succeeding second day of January; the term of the third one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the third succeeding second day of January; the term of the fourth one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the fourth succeeding second day of January; the term of the fifth one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the fifth succeeding second day of January; the term of the sixth one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the sixth succeeding second day of January; the term of the seventh one-ninth numerically of said bonds shall be from the date of the issuance of said bonds to the seventh succeeding second day of January; the term of the eighth one-ninth numerically of said bonds shall be from the date of issuance of said bonds to the eighth succeeding second day of January; the term of the ninth one-ninth numerically of said bonds shall be from the date of issuance of said bonds to the ninth succeeding second day of January.

The form of said bonds shall be substantially as follows:

Form of  
bonds.

LOCAL IMPROVEMENT BOND.

District No. \_\_\_\_\_

\$\_\_\_\_\_ No \_\_\_\_\_

“Under and by virtue of an act of the legislature of the State of California, entitled, ‘An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as the local improvement act of 1901.’” the (here insert the legal name of the municipality) will pay to the bearer the sum of \_\_\_\_\_ dollars in United States gold coin, with interest thereon in like gold coin at the rate of \_\_\_\_\_ per cent. per annum, all as hereinafter specified, and at the office of the treasurer of said municipality.

This bond is issued to represent the costs and expenses of certain local improvements in local improvement district No \_\_\_\_\_ in said municipality representing the assessment, and re-assessment, if any such has been made, upon the lands designated upon the map of said district.

The principal and interest shall be secured by all agreements, waivers and liens provided for by said act and arising out of the improvement to which said fund related.

This serial bond is one of a series of \_\_\_\_\_ bonds for \_\_\_\_\_ dollars each, and nine for \_\_\_\_\_ dollars, which bonds are numbered from one to \_\_\_\_\_ consecutively. These bonds shall be called in and paid in their numerical order.

This bond is due January 2, 19\_\_\_, unless sooner paid and canceled, and the interest is payable annually, to wit: the second day of January in each year, upon the presentation

of the coupons therefor, the first of which is for the interest from the date of the issuance of said bonds to the succeeding second day of January, and thereafter the interest coupons are for annual interest.

At said \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand \_\_\_\_\_ hundred and \_\_\_\_\_.

-----  
 (Insert title of presiding officer  
 of the legislative body.)

[SEAL.]

-----  
 Treasurer of the -----

Said bonds must be sold at a time to be fixed by the legislative body, and to the highest bidder therefor, but for not less than par and accrued interest, and the proceeds of the sale shall be deposited in the proper fund in the city treasury. If no bids are received or the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the legislative body may reject all bids received, if any, and may enter into an agreement with the contractor to take the bonds at par with accrued interest in payment for the work to be performed by him; but the said bonds shall not be delivered to him until payment for said work is due him as hereinafter provided.

Sale of  
bonds

Said treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, payee and endorsers of each bond, and the number and amount of each coupon of interest paid by him, and shall cancel and file each bond and coupon so paid.

Bond  
register

Said bonds and interest shall be paid at the office of the said treasurer of said municipality from the fund designated by the number of the proceedings given in section 4 of this act, into which fund all moneys received in connection with said proceedings, either from the collection of assessments and interest, sales of property, or otherwise, shall be paid; and from which fund he shall pay the said bonds and the interest due thereon. and it shall be the duty of the said treasurer, on the second day of January of each year, to pay one-ninth of said bonds, together with all interest due on the whole of the issue thereof as hereinabove stated; *provided*, that if there shall not be sufficient money in any local improvement fund against which said bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the bonds due, it is hereby made the duty of the treasurer to pay out of the general or other fund of the municipality such bonds and interest, due at such time, as shall not have otherwise been paid, and it is hereby made the duty of the treasurer to reimburse the said fund of the municipality from the moneys thereafter received by him, through proceedings following default in the payment of installments as in this act provided.

Where  
payable.

STATEMENT OF TRANSFER OR CHANGE OF NAME.

I am registered under the name of \_\_\_\_\_  
\_\_\_\_\_ from the following precinct or address  
\_\_\_\_\_ in this county;  
or in \_\_\_\_\_ county, and I hereby authorize the cancellation  
of my last previous registration in said \_\_\_\_\_ county.

NAME OR NUMBER OF PRECINCT  
\_\_\_\_\_

STATE OF CALIFORNIA  
( ) COUNTY OF ( ) } ss.

# AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct thirty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not (have) registered from any other precinct in the state since January 1, 1916.\*  
(Mark out words "have not" or "have" as the case may be, and if applicant has so previously registered, or has previously registered under another name, fill out the appropriate blanks at the top of the affidavit, under "statement of transfer or change of name.")

2. My full name is \_\_\_\_\_  
(Including christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is \_\_\_\_\_  
between \_\_\_\_\_ and \_\_\_\_\_ Streets \_\_\_\_\_ Floor, Room \_\_\_\_\_  
Post office address at \_\_\_\_\_

4. My occupation is \_\_\_\_\_

5. My height is \_\_\_\_\_ feet \_\_\_\_\_ inches

6. I was born in \_\_\_\_\_  
(State or Country.)

7. I acquired citizenship by { a. Decree of Court. d. Marriage to a citizen.  
(Underline method of acquiring citizenship.) b. Father's naturalization. e. Naturalization of my husband.  
c. Citizenship of father. f. Act of Congress g. By treaty.  
(when) \_\_\_\_\_ (where) \_\_\_\_\_

My <sup>father's</sup> <sub>husband's</sub> name is (was) \_\_\_\_\_  
(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can \_\_\_\_\_ read the Constitution in the English language; I can \_\_\_\_\_ write my name; I am entitled to vote by reason of having been on November 6, 1894 <sup>a.</sup> An elector, <sub>b.</sub> More than sixty years of age.

I can \_\_\_\_\_ mark my ballot by reason of \_\_\_\_\_  
(State physical disability, if any.)

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 1916  
\_\_\_\_\_  
County Clerk (or Registrar of Voters).

}  
\_\_\_\_\_  
(Affiant sign here.)

\*Or the year when registration commenced.

Treasurer  
may advance  
maturity.

The treasurer may advance the maturity of any bond and pay and cancel the same whenever there shall be surplus moneys in the said fund with which to pay same, by paying a bonus of an additional one-half year interest. He shall give notice of such redemption at least thirty days prior to the second day of January in any year. Such notice may be given in writing, personally, or by registered mail to the holder thereof, or by publication for two weeks in a daily or weekly newspaper published in said city; *provided*, that if such notice be so given by publication then a copy of same shall be mailed to the last known holder thereof at his last known address at least ten days prior to the next second day of January specified in said notice. In the event of such notice being given, the maturity of such bond shall be advanced and said bond be deemed to mature on the second day of January specified in the notice as the date on which it will mature, at which time the same shall be paid. On said second day of January, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the holder or owner of said bond the amount of principal and accrued interest then due on same, and said bond shall then be deemed to have matured, and interest shall thereafter cease to accrue on said bond. The amount so set aside shall on demand be paid the holder of said bond on surrender and cancellation of same.

SEC. 19. Section twenty-two of said act is hereby amended to read as follows:

Acceptance  
of work

SEC. 22. No part of the work shall be paid for until it has been accepted as fully completed according to the specifications in so far as it has been completed, by the legislative body. Whenever the contractor desires the work, or any part of it to be accepted, he must make a written application to that effect to the legislative body of the municipality. Upon such filing of such application for acceptance, the clerk of the municipality shall cause at least five days' notice to be given by posting along the line of the work asked to be accepted that at a certain time and place to be named in said notice, the legislative body of the municipality will hear and consider any objections to the acceptance of the work or part of the work, for the acceptance of which said contractor has petitioned, and only after such hearing shall any work be accepted. If upon such hearing, objections to the acceptance thereof are made, and are held by the legislative body to be good, said body must require the contractor to take the necessary steps to remedy any defects in the said work, and in the event of his failure so to do, within such time as the legislative body shall prescribe, or an extension thereof, the said body may re-let said portion of the work and charge the contractor the cost thereof, together with all expenses incident to said re-letting and doing said work, and shall retain the same out of any moneys due or to become due to him under the contract, and also hold him and his sureties responsible therefor

upon his bonds given. And upon such acceptance the work shall be paid for at the contract price in cash or by the delivery of bonds; *provided*, that not more than seventy-five per cent of the amount due shall be paid to the contractor upon a partial performance of the work, and the remainder shall be retained until the whole work is completed.

The work must be commenced and completed within such time as the said legislative body shall prescribe, which time may be extended by said body from time to time, by resolution; *provided*, that the time for the commencement of the work shall not be fixed at a date prior to the date for the sale of the bonds hereinbefore provided for.

Commence-  
ment and  
completion

If the contractor shall abandon the work, or shall fail to proceed with the same as rapidly as required by his contract, the said legislative body may re-let the contract for the work or any part of it and pay the costs and expenses of the same out of any funds due or to grow due to the contractor, or by the delivery of any bonds that may be due him, all incidental expenses due to the re-letting of said contract shall be paid by him, and he and his sureties shall be holden therefor for the same upon their or either of their bonds as well as any damage which may result from such neglect or abandonment.

Re-letting  
upon  
abandon-  
ment

SEC. 20. Said act is hereby amended by adding a new section thereto to be numbered twenty-two *a* and to read as follows:

Sec. 22*a*. That when there is a failure to receive any bid for doing the work contemplated under this act; or when by reason of abandonment of the work by the contractor before completion, and a failure to procure a bidder to complete the work after such abandonment; or when by reason of a change in the condition of the land over or along which the improvement is contemplated, or in process of construction under the provisions hereof, caused by the action of the elements or for any other reason it becomes impossible or impracticable to construct or complete the improvement under the original plans and specifications, the legislative body of the said municipality may by resolution alter such plans or profiles, or cross-sections or specifications, or may adopt new plans, or profiles, or cross-sections, or specifications in the manner provided for in the first instance, so as to meet such changed condition or so as to make the completion of the said improvement practicable or possible, in which event the legislative body shall require the city engineer or board of public works, or commissioner of public works to make an estimate of the total expense of said improvement under the said altered or new plans, profiles, cross-sections, and specifications as the case may be, and if the estimated expense of the work to be done under such altered or new plans and specifications shall not exceed the amount raised under the first assessment as provided herein, and after all necessary proceedings had under the provisions of sections five, six, seven, and eight of this act, and a new or supplemental contract has been entered into with the contractor and bonds given as in this act provided, to perform said work or improvement as provided for

Failure to  
receive bids

May alter  
plans

in said new or altered or amended plans, profiles, cross-sections, and specifications, then the work shall proceed under the altered or new plans, profiles, cross-sections, and specifications and shall be paid for out of the funds raised under the first assessment; but if the estimated expense shall exceed the amount raised by the first assessment, a second or additional assessment may be made and recorded in the same manner as provided for in section nineteen of this act as nearly as may be; except, that no protest shall be entertained upon subject matter already decided on the first hearing and which has not been in effect changed. In case said plans, profiles, cross-sections, and specifications are altered or changed during the process of construction and the contractor consents thereto and agrees to do the work under the altered or changed plans, profiles, cross-sections, and specifications at the estimated additional assessed price, if such there be, then a supplemental contract shall be entered into for doing said work for said price under said altered or new plans, profiles, cross-sections, and specifications.

Supplemental  
contract

But in the event of the refusal of said contractor to continue said work and complete the same under said altered or changed plans and specifications at the said excess price, his refusal so to do shall be deemed an abandonment of the contract and said legislative body shall proceed to advertise for bids for the completion of said work as provided hereir for advertising for bids in the first instance.

Contractor's  
refusal  
deemed  
abandon-  
ment

## CHAPTER 186.

*An act to appropriate money for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employees while performing services accruing out of and incidental to their employment.*

[Approved May 10, 1915. In effect immediately.]

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

SECTION 1. The sum of eighteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used during the sixty-sixth, sixty-seventh and sixty-eighth fiscal years, for the payment of compensation benefits accruing by reason of personal injury resulting from accident to state officers and employees while performing services accruing out of and incidental to their employment where the services have been paid for out of the general fund in the state treasury.

Appropriation  
accident  
benefits for  
state officers.

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

Current  
expenses

CHAPTER 187.

*An act to appropriate money to meet additional expense for the support of orphans, half-orphans and abandoned children for the sixty-fifth and sixty-sixth fiscal years*

[Approved May 10, 1915 In effect immediately.]

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

SECTION 1. The sum of one hundred and fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet additional expense for the support of orphans, half-orphans and abandoned children for the sixty-fifth and sixty-sixth fiscal years. Appropriation support orphans

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

CHAPTER 188.

*An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to create a motor vehicle department and to provide for the organization and conduct thereof; to provide for carrying out the objects of this act, and to make appropriation therefor; and to repeal all acts or parts of acts in conflict with this act.*

[Approved May 10, 1915 In effect—see sections 38, 41 ]

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

SECTION 1. The words and phrases used in this act shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled otherwise Words and phrases defined

Words and  
phrases  
defined.

than by muscular power, except such vehicles as run upon rails or tracks, (2) "automobile" shall include all motor vehicles excepting motoreycles; (3) "motoreycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground, and of not exceeding ten horsepower, and of not exceeding the weight of five hundred pounds unladen, *provided, however*, that any motor vehicle which shall be operated on the highway drawing a trailer or other vehicle shall be deemed to be an automobile for all the purposes of this act; (4) "public highway" shall include any highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, or public place in any county or incorporated city and county, city or town within the State of California; (5) "business district" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway, which is on the line of said highway, mainly built up with structures devoted to business; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such business district, signs of sufficient size to be easily readable by a person using the highway, bearing the words "business district—slow down to fifteen miles an hour," and also an arrow pointing in the direction of said business district; (6) "closely built up" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway, which is on the line of said highway not mainly devoted to business, where for not less than a quarter of a mile the dwelling houses and business structures on such highway average less than one hundred feet apart; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such district, signs of sufficient size to be easily readable by a person using the highway, bearing the words "speed limit twenty miles an hour," and also an arrow pointing in the direction of said closely built up district; (7) "local authorities" shall include all boards of supervisors, trustees or councils, commissions, committees, and other public officials of counties, incorporated cities and counties, cities or towns; (8) "chauffeur" shall mean any person who operates an automobile in the transportation of persons and who receives any compensation for such service in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee operates an automobile carrying passengers for hire; *provided, however*, that this definition shall not include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics, or demonstrators of automobiles in the ordinary course of their business; (9) the term "state" as used in this act, except where otherwise expressly provided, shall also include the territories, federal districts and insular possessions of the United States; (10) "non-residents" shall mean residents of states or countries other than the State of California who

either have no regular place of abode or business in California, or whose occupation or their regular place of abode or business in this state, if any, covers a total period of less than three months in the calendar year; (11) "owner" shall include any person, firm, association or corporation, having the use or control, or the right to the use or control, of a vehicle under a lease or otherwise, for a period of ten or more successive days; (12) "manufacturer" or "dealer" shall signify a person, firm, association, or corporation, having in his, its or their possession vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of vehicles manufactured or dealt in by them for the purposes of this act, prior to sale and delivery thereof, and of all vehicles in their possession and operated or driven by them or by their employees; (13) "garage" shall mean every place of business where motor vehicles are received for housing or storage for compensation; (14) "intersecting highway" shall mean any highway which joins another at an angle, whether or not it crosses the other; (15) "operator" shall mean any person other than a chauffeur who operates a motor vehicle and any person who operates, rides, drives or propels any vehicle other than a motor vehicle; (16) "person" shall include any corporation, association, co-partnership, company, firm, or other aggregation of individuals; and where the term "person" is used in connection with the registration of a vehicle, it shall include any corporation, association, co-partnership, company, firm, or other aggregation of individuals which owns or controls such vehicle as actual owner, or for the purpose of sale, or for renting, whether as agent, salesman, or otherwise; (17) "department" as used in this act shall mean the motor vehicle department of California, acting directly or through its duly authorized agent; (18) "vehicle" shall include every wagon, hack, coach, carriage, omnibus, push cart, bicycle, tricycle, automobile, cycle-car, motoreycle, sleigh, traction engine, tractor, or other conveyance, in whatever manner and by whatever force or power the same may be ridden, driven, or propelled, which is or may be operated, ridden, driven or propelled upon the highway, and implements of husbandry temporarily drawn or driven or otherwise propelled on the highway, excepting only conveyances designed to be propelled by pedestrians, and railroad, street and interurban railway cars; (19) the city and county of San Francisco shall be considered a county; (20) "net receipts" shall signify the balance remaining of the money paid to the department in conformity with the provisions of this act after the payment of all salaries, expenses and refunds incident to the administration and enforcement of this act.

Words and phrases defined

SEC 2. All motor vehicles owned and used in the transaction of official business by the representatives of foreign powers or by officers, boards or departments of the government of the United States, and all motor vehicles owned by and used in the operative work of such corporations as are

Exempt from tax.

taxed solely for state purposes under the provisions of the constitution of this state and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business, nor for the transportation of freight, are hereby exempted from the payment of the fees in this act prescribed. The department shall furnish, free of charge, distinguishing plates for motor vehicles thus exempt.

Application  
for  
registration

SEC. 3. Every owner of a motor vehicle which shall be operated or driven upon the public highways shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed, by mail, or otherwise, with the department an application for registration on a blank to be furnished by said department for that purpose, containing, in addition to such other particulars as may be required by said department, a statement of the name and post office address of the applicant, a description of such motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motive power, and the amount of such motive power stated in figures of horsepower, together with the diameter of the cylinder bore and the number of cylinders; and with such application the applicant shall deposit the proper registration fee as provided in section 7 of this act; *provided*, that for all the purposes of this act the horsepower of any motor vehicle, except electric or steam driven vehicles, shall be determined by the formula commonly known as that of the Association of Licensed Automobile Manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by 25; *provided, further*, that for the purposes of this act the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof.

Horsepower.

Registration

SEC. 4. Upon the receipt by the department of an application for registration of a motor vehicle accompanied by the fee required by section 7 of this act, the department shall file such application and shall alphabetically, and also numerically, register such motor vehicle or vehicles with the name, residence and business address of the owner, together with the facts stated in such application, in a book or on index cards to be kept for the purpose under a distinctive number assigned to such motor vehicle by the said department, which book or index cards shall be open to inspection by the public during reasonable business hours. A full record of all motor vehicle registrations shall be posted daily by the department upon a bulletin board so located as to be easily accessible by the public, and no information relative to any such registration shall be made public by any employee of the department in advance of such posting.

Record  
posted.

Numbers.

SEC. 5. Upon the filing of such application and the payment of the fees provided in this act, the said department shall assign to such motor vehicle a distinctive number. Such distinctive number so assigned shall be the number assigned

to such motor vehicle at each succeeding registration thereof, so long as such motor vehicle shall be owned by the owner to whom the original assignment was made, and upon sale or transfer of such motor vehicle, said number may be canceled or may be reassigned as an original assignment to the same or to another motor vehicle, at the option of said department, subject to provisions hereinafter contained.

SEC. 6. Such registration shall be renewed annually in the same manner and upon payment of the same fee as provided for original registration, such renewal to take effect on the first day of January of each year. The seals or discs furnished by the said department as provided hereinafter shall be valid for the calendar year only for which they are issued. Annual  
registration

SEC. 7. The following fees shall be paid to the department upon the registration of a vehicle in accordance with the provisions of this act and shall accompany the application hereinabove provided for: Fees.

For the registration of every motoreycle, two dollars; for the registration of every automobile, except electric motor vehicles, the sum of forty cents for each horsepower, or major fraction thereof, according to the formula specified in section three of this act; for the registration of every motor vehicle equipped with other than pneumatic tires, and used for commercial purposes, weighing under four thousand pounds unladen, five dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for every such vehicle weighing four thousand pounds and over and less than six thousand pounds unladen, ten dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for every such vehicle, weighing six thousand pounds and over and less than ten thousand pounds unladen, fifteen dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for every such vehicle weighing ten thousand pounds and over unladen, twenty dollars in addition to the fees provided herein for horsepower rating or for electric motor vehicles; for the registration of every electric motor vehicle, five dollars; for the registration of motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, if such persons operate upon the public highways not more than five automobiles, twenty-five dollars and two dollars for every automobile in excess of five so operated, including the necessary number plates; for the registration of all of the motoreycles owned by or under the control of a manufacturer of, or dealer in motoreycles who does not manufacture or deal in automobiles, five dollars; for the original license of every chauffeur, two dollars, and for each annual renewal thereof, one dollar; for every additional number plate furnished to replace such plates as have been lost or mutilated, or which are illegible, or which may be required for use on motoreycles owned by or under the control of a manufacturer of or dealer in automobiles, one dollar; for every additional seal or disc furnished

Chauffeurs

to replace such as have been lost or mutilated, or which are illegible, fifty cents.

Period less than year.

Anything herein to the contrary notwithstanding, if application for the registration of a motor vehicle or for an original chauffeur's license is made during the period beginning on the first day of April and ending on the thirtieth day of June in any year, three-fourths of the appropriate annual fee shall be paid; if application is made during the period beginning on the first day of July and ending on the thirtieth day of September, one-half of the annual fee; if application is made during the period beginning on the first day of October and ending on the thirty-first day of December, one-fourth of the annual fee.

Transfer of ownership

SEC. 8. Upon the transfer of ownership of any motor vehicle, its registration shall expire, and the person in whose name such vehicle is registered shall forthwith file with the department a written notice containing the date of such transfer of ownership and the name, post office address, and business address, if any, of the new owner and, upon demand, shall return the registration number plate or plates to the department.

Reassignment of numbers

Any person who has transferred the ownership of any motor vehicle or who has lost possession thereof, if he applies within ten days after such transfer or loss of possession, may have assigned to another motor vehicle the registered number of the motor vehicle so transferred or lost.

Notice by dealer of transfer

Upon the transfer of any motor vehicle by a manufacturer or dealer, whether by sale, lease or otherwise, such motor vehicle not being registered under the provisions of section three hereof, such manufacturer or dealer shall, within three days after such transfer, file with the department, upon a blank to be furnished by the department, a notice containing the date of such transfer and the name, post office address, and business address, if any, of the purchaser, lessee, or other transferee. A person who transfers the ownership or loses possession of, a motor vehicle registered in his name, or removes such motor vehicle from the state, shall be entitled to a rebate bearing the same proportion to the fee theretofore paid by him as the remaining undivided quarters of the calendar year bear to that portion of the year for which said fee was paid; *provided*, that any such rebate shall be paid upon a certificate filed by the department with the state board of control, setting forth the facts, and that the rebate shall be paid out of the motor vehicle fund. The department shall furnish without further charge, with transportation prepaid, to every person whose motor vehicle is registered as aforesaid, on original registration, one number plate for motoreycles and two number plates for other motor vehicles, the same to have displayed upon them the register number assigned to such vehicle together with the abbreviation "Cal." and to have space provided thereon to which may be attached each year the registration seal or disc to be furnished by the department, as

Number plates

hereafter provided. Said department shall furnish, with each pair of number plates or with each number plate for motor-cycles, and on each renewal of registration, transportation prepaid, a registration seal or disc, together with screws, or other means of attachment to the number plate, the form and character of which seal or disc shall be uniform for any one calendar year, such seal or disc to be changed as to design or color or both from year to year. Said seal or disc shall indicate the identical number shown on the number plate to which it is to be attached, and also the calendar year for which it is issued, and it shall be valid only for such year. The said number plates, as well as said seal or disc, shall be of substantial character and suitable design, to be determined by the department. If the said department shall determine at any time that for any reason a motor vehicle is unsafe or improperly equipped, or otherwise unfit to be operated, it may refuse to register such vehicle, and said department may for a like reason revoke any registration already recorded.

Registration may be refused

SEC. 9. Every manufacturer of, or dealer in, motor vehicles may make application to the department, by mail or otherwise, upon a blank provided by the department for a general distinguishing number or symbol, instead of registering each motor vehicle owned or controlled by him, and with such application he shall deposit the proper registration fee as provided in section seven of this act; and the said department shall grant the application if satisfied of the facts stated in the application, and shall issue to the applicant a certificate of registration containing the name and business address of the applicant and the general distinguishing number or symbol assigned to him, and made in such form and containing such further information as the said department may determine; and every motor vehicle owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number or symbol until sold or until let for hire or loaned for a period of more than ten successive days; *provided*, that whenever a manufacturer or dealer shall maintain a branch or sub-agency he shall apply for a separate registration for such branch or sub-agency and shall pay therefor the fee provided in section seven of this act for the registration of motor vehicles owned by or under the control of a manufacturer or dealer. The said department shall furnish, transportation charges prepaid, to every manufacturer of, or dealer in, automobiles applying therefor whose vehicles are registered in accordance with the provisions of this section, five pairs of number plates of suitable design, together with the accompanying seals or discs, the plates to have displayed upon them the register number which is assigned to the motor vehicles of such manufacturer or dealer, with a different symbol on each pair of number plates.

Dealers' distinguishing number or symbol.

Dealers' agency

SEC. 10. The provisions of this act relative to registration and the display of registration numbers, shall not apply to a motor vehicle owned by a resident of another country or state

Residents of other states

who is only temporarily within the State of California, other than a foreign corporation doing business in California; *provided*, that the registration number plate of such other country or state shall be displayed on such motor vehicle substantially as provided in this act for motor vehicles registered pursuant to the provisions hereof.

Numbers  
must be  
displayed

SEC. 11 Except as otherwise herein provided, no person shall operate or drive a motor vehicle on the public highways unless such vehicle shall at all times have displayed, one on the front and the other on the back thereof, the number plates furnished for it as heretofore provided, together with the registration seal or disc, furnished by the department, securely attached to the number plate on the front of said vehicle in the space provided thereon for that purpose, said number plates to be securely fastened to such vehicle so as to prevent the same from swinging at a minimum distance of sixteen inches from the ground; and no person shall attach to, or display on, such vehicle, any number plate, or registration disc or seal, assigned to it under any motor vehicle law other than this act, or any registration seal or disc other than that assigned for the current year, or a fictitious number plate, or registration seal or disc; *provided, however*, that but one number plate with the regulation registration seal or disc shall be required upon motorcycles and that such number plate upon motorcycles shall be attached to the rear thereof. All letters, numbers, seals or discs, and other identification marks shall be kept clear and distinct, and free from grease, dust or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the night time.

When fee  
becomes  
delinquent

The registration fee required under this act to be paid upon a motor vehicle shall become delinquent in the case of any such vehicle forthwith upon the operation of the vehicle on the public highways without the registration fee required by this act first having been paid to the department, accompanied by the application for registration provided herein. It is hereby provided, in addition to any and all other penalties provided by this act, that if, at the expiration of thirty days after any registration fee becomes delinquent, such fee has not been paid and registration applied for, a penalty shall be added to the amount of such fee in an amount equal to twenty-five per cent of the fee required by section seven of this act, and that such fee, together with the amount of said penalty, shall be a lien upon the motor vehicle in regard to which said registration fee is delinquent, and the department shall have power and it is hereby made its duty to collect the said registration fee, together with the penalty, by seizure of such motor vehicle from the person in possession thereof, if any, and by sale of such motor vehicle. The seizure and sale herein authorized shall be conducted and carried out by the department in the same manner as is provided by law for the seizure and sale of personal property by the county tax collector for the collection of taxes due on said personal property.

SEC. 12. Every motor vehicle shall be equipped with a bell, gong, horn, whistle, or other device in good working order, capable of emitting an abrupt sound adequate in quality and volume to give warning of the approach of such vehicle to pedestrians and to the riders or drivers of animals or of other vehicles and to persons entering or leaving street, interurban and railroad cars. Every person operating a motor vehicle shall sound said bell, gong, horn, whistle or other device whenever necessary as a warning of danger, but not at other times, or for any other purpose.

Warning  
bell,  
horn, etc.

SEC. 13. (a) Every motor vehicle other than a motorcycle, while on the public highway, whether in operation or otherwise, during the period from a half hour after sunset to a half hour before sunrise, and at all times when fog or other atmospheric conditions render the operation of vehicles dangerous to the traffic on and use of the highway, shall carry at the front at least two lighted lamps showing white lights visible under normal atmospheric conditions at least five hundred feet in the direction toward which said motor vehicle is faced, and shall also carry at the rear a lighted lamp exhibiting one red light plainly visible for a distance of five hundred feet toward the rear and so constructed and placed that the number plate carried on the rear of such motor vehicle shall be illuminated by a white light in such manner that the number thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than fifty feet toward the rear. At the times and under the conditions in this section hereinbefore specified, all other vehicles, except motorcycles and bicycles and such vehicles as may be propelled by a pedestrian, shall carry at the left side thereof a lighted lamp visible front and rear, and from the left, for a distance of not less than two hundred feet.

Lights

(b) At the times and under the conditions hereinbefore specified in this section, every motorcycle or bicycle while on the public highway, whether in operation or otherwise, shall carry one lighted lamp, showing a white light visible under normal atmospheric conditions at least two hundred feet in the direction toward which such motorcycle or bicycle is faced, and shall also carry at the rear of such motorcycle or bicycle, one red light, or one red reflex mirror plainly visible from the rear.

(c) Anything hereinbefore to the contrary notwithstanding, it is hereby provided that the front light or lights of every motor vehicle shall be permanently dimmed so as to prevent any glare therefrom which might interfere with the convenience or safety of the use of the highway, or shall be so directed that the center rays thereof shall strike the ground at a distance not to exceed seventy-five feet from the front of such vehicle; *provided*, that nothing in this subdivision shall be construed to render inoperative the provisions of subdivisions *a* and *b* of this section relative to the plain visibility of such light or lights in the direction in which such vehicle may be faced

Lights to be  
dimmed

Brakes

SEC. 14. All motor vehicles must be provided at all times with adequate brakes kept in good working order.

Cleats, etc.,  
on tires

SEC. 15. Other than on vehicles actually engaged at the time in construction or repair work on roads, no tire on any motor vehicles or on any other vehicles shall have on its periphery any block, stud, cleat, ridge, bead or any other protuberance of metal which projects more than one-fourth of an inch beyond the tread or traction surface of the tire; but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportions on motor vehicles when required for safety because of snow, ice or other conditions tending to cause such vehicles to slide or skid, nor so as to prevent the use of traction engines with cleats on the driving wheels thereof on dirt or unimproved roads.

Chains

Prevention  
of noise,  
smoke, etc

SEC. 16. Every motor vehicle must have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of gas, steam or oil, as well as the falling out of residue from fuel, and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Devices known as "muffler cut-outs" shall not be used within the limits of any incorporated city and county or city or town or on any public highway where the territory contiguous thereto is closely built up.

Intoxicated  
persons

SEC. 17. No intoxicated person shall operate or drive a motor or other vehicle upon any public highway within this state.

Owner's  
consent.

SEC. 18. No person shall operate a motor vehicle without the consent of the owner thereof.

Chauffeur to  
be licensed.

SEC. 19. No person shall employ for hire as a chauffeur of a motor vehicle any person not licensed as in this act provided. No person shall allow a motor vehicle owned by him or under his control to be operated by any person who has no legal right to do so, or in violation of the provisions of this act. No person having control or charge of a motor vehicle shall allow such vehicle to stand in any public street or public highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle.

Rules  
of road

SEC. 20. (a) The driver or operator of any vehicle in or upon any public highway shall drive or operate such vehicle in a careful manner with due regard for the safety and convenience of pedestrians and of all other vehicles or traffic upon such highway, and wherever practicable shall travel on the right-hand side of such highway. Two vehicles which are passing each other in opposite directions shall have the right of way, and no other vehicle to the rear of either of such two vehicles shall pass or attempt to pass such two vehicles. On all occasions the driver or operator of any vehicle in or upon any public highway shall travel upon the right half of such highway unless the road ahead on the left-hand side is clear and unobstructed for at least one hundred yards ahead and in all cases while crossing an intersecting highway. For the

purposes of this section and its subdivisions, the term "vehicle" shall also include every draft or riding animal, whether ridden or led, excepting that an animal or animals attached to any conveyance shall, with such conveyance, constitute one vehicle. Rules  
of road

(b) Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half the road as nearly as possible.

(c) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right until reasonably clear of such overtaken vehicle.

(d) It shall be the duty of the driver, rider or operator of a vehicle about to be overtaken and passed to give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by or on behalf of the operator, driver or other person in charge and control of such overtaking vehicle if such overtaking vehicle be a motor vehicle.

(e) Excepting where controlled by such traffic ordinances or regulations enacted by local authorities as are permitted under this act the operator of a vehicle approaching an intersection of the public highway shall yield the right of way to a vehicle approaching such intersection from the right of such first named vehicle.

(f) It shall be the duty of the person operating or in charge of an overtaking vehicle to sound audible and suitable signal before passing a vehicle proceeding in the same direction.

(g) All vehicles approaching an intersection of a public highway, with the intention of turning thereat shall in turning to the right keep to the right of the center of such intersection, and in turning to the left shall run beyond the center of such intersection, passing to the right thereof, before turning such vehicle toward the left.

(h) In all passing and overtaking such assistance shall be given by the occupants of each vehicle respectively to the other as the circumstances shall reasonably demand in order to obtain clearance and avoid accidents; every person having control or charge of any motor vehicle or other vehicle upon any public highway and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, shall operate, manage and control such motor vehicle or other vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same; and if such horse or horses appear frightened the person in control of such motor vehicle or other vehicle shall reduce its speed, and if requested by signal or otherwise by the driver or rider of such horse or horses shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury until such animal or animals be under the control of the driver or rider thereof. Frightening  
of horses, etc

(i) The person in control of any vehicle moving slowly along and upon any public highway shall keep such vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

(j) The person in charge of any vehicle in or upon any public highway, before turning, stopping, or changing the course of such vehicle, and before turning such vehicle when starting the same, shall see first that there is sufficient space for such movement to be made in safety, and if the movement or operation of other vehicles may reasonably be affected by such turning, stopping or changing of course, shall give plainly visible or audible signal to the persons operating, driving or in charge of such vehicles of his intention so to turn, stop, or change his course.

Passing  
street cars.

(k) In passing any railroad, interurban or street car while passengers are alighting from or boarding same, vehicles shall be operated with due care and caution so that the safety of such passengers shall be protected, and for that purpose said vehicle shall be brought to a full stop if reasonably necessary to attain the objects of this subdivision.

In mountain  
passes

(l) Every motor vehicle when moving in defiles, canyons, or mountain passes where the curvature of the road or highway prevents a clear view for a distance of one hundred yards shall be held under control and not permitted to coast and the operator thereof in approaching curves shall give a warning of his gong or other adequate signaling device.

Police and  
fire patrols

(m) Police patrol wagons, police ambulances, fire patrols, fire engines and fire apparatus in all cases while being operated as such, shall have right of way with due regard to the safety of the public; but this provision shall not protect the driver or operator of any such vehicle or his employer or principal from the consequence of the arbitrary exercise of this right or for injuries wilfully inflicted

Duty in case  
of accident.

SEC 21. Whenever an automobile, motorcycle, or other motor vehicle or any vehicle whatsoever, regardless of the power by which the same may be propelled or drawn, strikes any person, or collides with any vehicle containing a person, the driver of, and all persons in, such automobile, motorcycle or other motor vehicle, or other vehicle, who have or assume authority over such driver, shall immediately cause such automobile, motorcycle, or other motor vehicle, or other vehicle, to stop and shall render to the person struck, or to the occupants of the vehicle collided with, all necessary assistance including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment be required, or if such carrying is requested by the person struck or any occupant of the vehicle struck; and such driver, and person having or assuming authority over such driver, shall further give to the occupants of such vehicle or person struck, the number of such automobile, motorcycle or other motor vehicle, or other vehicle, also the name of the owner thereof

and the name of the passenger or passengers not exceeding five in each automobile, motorcycle or other motor vehicle, or other vehicle, at the time of such striking or collision. Any person violating any of the provisions of this section is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 22. (a) No races or contests for speed, whether on a bet or wager or otherwise, shall be held upon any public highway within this state without the permission of the proper authorities of the state, county, city and county, city or town, having jurisdiction over such portion of the highway as is intended to be used for such race or contest, and unless such highway is fully and efficiently patrolled for the entire distance over which such race or contest for speed is to be held.

Races on public highways

(b) Every person operating or driving a motor or other vehicle on the public highways of this state shall operate or drive the same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper, having regard to the traffic and use of the highway, and no person shall operate or drive a motor or other vehicle on a public highway at such rate of speed as to endanger the life or limb of any person or the safety of any property; *provided*, that it shall be unlawful to drive at a rate of speed in excess of thirty miles an hour; *and provided, further*, that in any event no person shall operate or drive a motor or other vehicle on any public highway where the territory contiguous thereto is closely built up, at a greater rate of speed than twenty miles an hour, or in the business district of any incorporated city and county, city or town, at a greater rate than fifteen miles an hour, or at a greater rate of speed than ten miles an hour where the operator's or chauffeur's view of the road traffic is obstructed either upon approaching an intersecting way, or in traversing a crossing or intersection of ways, or in approaching or traversing a crossing or intersection of ways, or in approaching or traversing a bridge, dam, trestle, causeway or viaduct, or in going around corners or a curve in a street or highway.

Rate of speed

(c) In the case of any person arrested for violation of the provisions of this section, unless such person shall demand that he be taken forthwith before the most accessible magistrate, the arresting officer shall take the name and address of such person and the number of his motor vehicle and notify him in writing to appear before a designated magistrate at a time and place to be specified in such writing at least five days subsequent to the date of such notice and upon the promise in writing of such person to appear at such time and place, such officer shall forthwith release him from custody. Any person wilfully violating such promise shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

In case of arrest

Local  
regulations

(d) Limitations as to rate of speed herein fixed shall be exclusive of all other limitations fixed by any law of this state, or of any political subdivision thereof, and local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this act, and no such ordinance, rule or regulation of said local authorities now in force or hereafter enacted shall have any force or effect, excepting, however, that (1) such powers are now or may hereafter be vested in local authorities to enact ordinances and regulations, applicable equally and generally to all vehicles and other users of the highways, and providing for traffic or crossing officers or semaphores, to bring about the orderly passage of vehicles and other users of the public highways or certain portions thereof, where the traffic is heavy and continuous, as well as (2) the powers now or hereafter vested in local authorities to license and to regulate the operation of vehicles offered to the public for hire, and to regulate the use of the highways for processions or assemblages, shall remain in full force and effect, and all ordinances, rules and regulations which may have been or which may be hereafter enacted in pursuance of such powers, shall remain in full force and effect; *provided, further, that* local authorities may set aside for a given time a specified public highway or highways for speed contests, or races, to be conducted under suitable patrol and under other proper restrictions for the safety of the public as hereinabove provided; *and provided, further, that* local authorities may by general rule, ordinance or regulation, exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes from any park or part of a park system where such general rule, ordinance, or regulation is applicable equally and generally to all other vehicles used for the same purpose; *provided, that* at the entrance or at each entrance, if there be more than one, to such cemetery or park from which vehicles are so excluded, there is posted a sign in writing or printing, in the English language, plainly legible from the middle of the highway or public road on which said cemetery or park opens, plainly indicating the prohibition of such general rule, ordinance or regulation.

Exclusion  
from  
cemeteriesRevocation  
of operator's  
license

SEC 23. (a) In case of the arrest three times within a period of sixty days of any person for the violation of section twenty-two of this act, followed by the conviction of such person upon each of such charges, or in case of two arrests within any period of sixty days of any person for the violation of section seventeen of this act, followed by the conviction of such person upon each of such charges, the department shall forthwith revoke the license of such person to operate a motor vehicle on the public highways of this state, in case said violations, or any of them, occurred in connection with the operation of a motor vehicle. Upon so revoking the license the department shall forthwith send notice of such revocation to the

operator and to the local police authorities, and shall make demand upon the operator for the return to the department of the license certificate theretofore issued to him, and of the badge in case of a chauffeur. It shall be the duty of the operator to return such license certificate and of a chauffeur to return also his badge in compliance with a demand so made. The department shall not again issue any such license to such person until the expiration of six months from the date of the last conviction of such person as hereinabove provided for; and it shall be unlawful, whether said convictions were had in connection with the operation of a motor vehicle or of any other vehicle, for such person so convicted to operate or drive any vehicle upon the public highway anywhere within this state, during a period of six months after the date of the last conviction hereinabove provided for.

(b) In addition to all other punishments provided in this act, the court may, for a period of not to exceed thirty days, suspend an operator's or chauffeur's license upon conviction of the licensee for violation of any of the provisions of this act.

Suspension of license.

SEC. 24. (a) Before operating a motor vehicle upon the public highways, application for a license to operate such vehicle shall be made by mail or otherwise to the department upon a blank to be prepared, and furnished on request, by said department. In the case of an application to operate a motor vehicle as chauffeur, the fees provided in section seven of this act shall accompany the application. To each person shall be assigned some distinguishing number or mark and the license certificate issued shall be in such form as the said department may determine; it shall contain the distinguishing number or mark assigned to the licensee, his name, age, place of residence, business address if any, and a brief description of the licensee for the purpose of identification, and such other information as the said department shall deem necessary. Every person licensed to operate motor vehicles as aforesaid, shall endorse his usual signature in the space on the license certificate provided for the purpose, immediately upon the receipt of said certificate, and his license shall not be valid until the certificate is so endorsed. The licenses issued to chauffeurs shall be valid for the calendar year in which issued and the licenses issued to operators shall be valid until suspended or revoked as in this act provided. The said department shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number assigned to him stamped thereon, without extra charge therefor, such badge to have stamped thereon the words "Registered Chauffeur No. ----, Cal." with the said license number inserted therein. This badge shall thereafter be worn by such chauffeur, affixed to his clothing in a conspicuous place, at all times when he is operating or driving a motor vehicle upon the public highway but shall be valid only for the calendar year in which issued. In case of the loss of such badge, a duplicate will be issued by

Application for operator's license

Period for which licenses are valid

Badge.

the said department on the filing of an affidavit showing the fact of loss and on payment of a fee of one dollar to the department. An application for the annual renewal of a chauffeur's license shall be accompanied by the fee required by this act.

Violation  
by children

(l) It shall be unlawful for any person to cause or knowingly to permit his or her child or ward to violate any of the foregoing provisions of this section.

Register of  
licenses

SEC. 25. Upon the receipt of an application as provided in section twenty-four of this act, the department shall thereupon file the same, and register the applicant in a book or on index cards which shall be kept in the same manner, subject to public inspection, as the books or index cards for the registration of motor vehicles.

Use of  
fictitious  
names

SEC. 26. No person shall use a fictitious name in applying for such chauffeur's or operator's license, nor shall any chauffeur or operator licensed as herein provided, voluntarily permit any other person to possess or use his license certificate, or badge; nor shall any person while operating or driving a motor vehicle use or possess any license certificate or badge belonging to another person, or a fictitious license certificate or badge.

December  
31, 1915

SEC. 27. No person shall operate or drive a motor vehicle upon a public highway after the thirty-first day of December, 1915, nor shall any owner of a motor vehicle permit such vehicle to be so operated or driven after said date, unless the requirements of this act shall have been in all respects complied with; *provided, however*, that a non-resident operator or chauffeur who has complied with the provisions of the country or state of his residence relative to the operation of motor vehicles and who, while operating a motor vehicle upon the highways of this state shall wear such badge as may have been assigned to him in the country or state of his residence, shall be exempt from license hereunder for a period not to exceed three months in any calendar year; *provided, further*, that a non-resident owner of a motor vehicle, not later than ten days after commencing to operate such motor vehicle, or to permit the same to be operated, upon the public highways of this state, shall apply to the department for registration of such motor vehicle, said application to be made upon a blank form to be prepared and furnished by the department and to state in addition to such other matters as may be required by the department, the name and post office and residence address of the applicant, together with registration number, if any, of said motor vehicle in the country or state in which said applicant resides. Upon receipt of such application last above described the department shall furnish to the applicant, without charge, a registration device of a distinctive form to be determined by the department, indicating that the holder thereof has complied with the requirements of this act and containing such other matter as may be deemed suitable by the department, which device shall be valid not to exceed three months from the date of its issuance, at the end of which

Non-resident  
operators.

period it shall be returned, transportation prepaid, to the department. The department shall file, alphabetically, such applications for registration by non-resident owners of motor vehicles, and the files shall be open to inspection by the public during reasonable business hours

SEC. 28. Any person who shall drive or operate, or cause to be driven or operated, upon any public highway any motor vehicle not his own, without intent to steal the same, in the absence of the owner thereof, and without such owner's consent, shall be guilty of a misdemeanor. Using without owner's consent

SEC. 29. Any person who throws or deposits any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon any public highway, shall be guilty of a misdemeanor. Putting glass, etc on highway.

SEC. 30. (a) Any person who shall, individually or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any motor vehicle, for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a misdemeanor. Injuring motor vehicle

(b) Any person who shall, without consent of the owner or person in charge of a motor vehicle, climb upon or into such vehicle, whether the same be in motion or at rest; or who, while such vehicle is at rest and unattended, shall attempt to manipulate any of the levers, the starting crank, or other device, brakes, or mechanism thereof, or to set said vehicle in motion shall be guilty of a misdemeanor. Getting into vehicle without owner's consent

SEC. 31. No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, without the written consent of such owner, any bonus, discount or other consideration for supplies or parts furnished or purchased for such motor vehicle, or on any work or labor done thereon by others, or on the purchase of any motor vehicle for his employer, and no person furnishing such supplies or parts, work or labor, or selling any motor vehicle shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, directly or indirectly, without such owner's written consent, any bonus, discount, or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor. Discounts on supplies

SEC. 32. Excepting as in this act otherwise expressly provided, any person violating any of its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof unless in this act otherwise expressly provided, shall be punishable by a fine not exceeding one hundred dollars, or by imprisonment for not exceeding thirty days, or both, for the first offense; and shall be punishable by fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment for not exceeding thirty days, or both, for a second Penalty for violation

offense; and shall be punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment for not exceeding thirty days, or both, for a third or subsequent offense.

Violation of  
section 17

SEC. 33. (a) Any person violating the provisions of section 17 of this act shall be guilty of a misdemeanor, and upon conviction shall be punishable for the first offense by imprisonment in the county jail for a period not exceeding thirty days or by a fine not exceeding one hundred dollars; and for a second offense by imprisonment in the county jail for a period not exceeding ninety days; and for a third or subsequent offense by imprisonment in the county jail for not less than six months nor for more than one year.

Violation of  
section 11

(b) The owner of any motor vehicle driving the same or causing or allowing the same to be driven or operated on any public highway, in violation of any of the provisions of section 11 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; *provided, however*, that this subdivision shall not affect the liability to punishment of the person, other than the owner, driving or operating such motor vehicle.

(c) Any person, other than the owner, who when driving or operating a motor vehicle on any public highway, knowingly violates any of the provisions of section 11 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; but this subdivision shall not affect the liability to punishment of the person or persons owning such vehicle.

Violation of  
section 25.

(d) Any person violating any of the provisions of section 26 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; *provided, however*, that the fine for the first offense, in case a fine be imposed shall be not less than fifty dollars (\$50), and the term of imprisonment, if a sentence of imprisonment be imposed, shall be not less than ten days.

Motor  
vehicle  
fund  
created

SEC. 34. There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." All money remaining at the time of the taking effect of this act in the motor vehicle fund created by the motor vehicle act approved May 31, 1913, shall then be transferred to the motor vehicle fund hereby created. All moneys received by the department under any of the provisions of this act must be paid into the state treasury within twenty-four hours after the receipt thereof and shall be deposited to the credit of the motor vehicle fund; *provided*, that if at any time such payment can not be made because of the intervention of a Sunday or a holiday, then such money shall be paid into the state treasury before twelve o'clock noon of the first business day

following such Sunday or holiday. One-half of the net receipts under this act shall be paid from the motor vehicle fund to the counties from which the moneys were received, as determined by the places of residence of the persons to whom the licenses are issued, and all such amounts returned shall be paid into the road funds of the several counties receiving the same, and shall be expended by such counties, exclusively in the construction and maintenance of roads, bridges and culverts. In the event that any county has not established a road fund, its proportion of the receipts shall be retained by the state until provision for such road fund has been made, and it shall then be paid over. In the months of January and July of each year the department shall make to the controller a report setting forth the gross and net receipts for the preceding six months, and thereafter the controller shall draw his warrant upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled; *provided, nevertheless*, that the controller shall not draw such warrant in favor of any county which theretofore shall not have established a road fund. Of the moneys in said motor vehicle fund, when such action has been authorized by the board of control, the department may draw, without at the time furnishing vouchers and itemized statements, a sum not to exceed five thousand dollars, said sum so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year, or at any other time, upon demand of the board of control, the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. All moneys remaining in the motor vehicle fund after the expenditures hereinbefore authorized in addition to all sums that have been heretofore or that may be appropriated hereafter by the legislature for the same purpose, shall be expended under the direction of the state department of engineering for the maintenance and improvement of the state roads and highways under the jurisdiction of said state department of engineering, and for the maintenance and improvement of roads and highways in state parks subject to the approval of the official or officials charged by law of the management and control of such parks; such moneys to be so drawn from said motor vehicle fund for the purpose of such maintenance and improvement upon warrants executed by the state controller at the demand made by the state department of engineering, and allowed and audited by the board of control. So much of the motor vehicle fund as may be necessary is hereby appropriated to be expended by the department in carrying out the provisions of this act; *provided, however*, that there shall not be expended for such purposes in any one year more than one hundred fifty thousand dollars.

Disposition of receipts.

Revolving fund

Improvement of highway

SEC. 35. All fines collected in case of a conviction for violation of any of the provisions of this act following arrests by any municipal officer and all forfeitures following such arrest

Disposition of fines

shall belong to the municipalities of the county in which the city employing such municipal officer is situated. When collected such fines and forfeitures shall be paid into the county treasury and thereafter by the supervisors of such county, at quarterly intervals, be apportioned to such municipalities according to population ascertained in the manner provided by law. No city operating under a freeholders' charter enforcing or seeking to enforce ordinances covering the same, or any of the grounds covered by this act shall be entitled to share in said fines and forfeitures, it being the intention and purpose hereof that said fines and forfeitures be equitably apportioned among those municipalities in the county which enforce this act. Money received by municipalities under this section shall be expended solely in the construction, improvement and maintenance of streets, bridges and culverts within the city limits along routes directly connecting interurban public highways entering such city. Any and all other fines or forfeitures collected by or in any court for violation of any of the provisions of this act, whether by a justice of the peace, police court, city recorder's court, city justice of the peace, or otherwise, shall be paid to the treasurer of the county in which the court is held. Said moneys shall be used by the several counties in the construction and maintenance of roads, bridges, and culverts and for no other purpose.

Money  
received by  
municipal-  
ities.

Police judge  
to keep  
record

SEC. 36. A full record shall be kept by every justice of the peace or police judge or court in this state of every case in which a person is charged with a violation of any provision of this act, and an abstract of such record shall be sent forthwith by the justice of the peace, or police judge or court to the clerk of the county in which the justice of the peace, police judge, or other magistrate holds his court, whereupon said clerk shall forward said abstract to the department. Said abstracts shall be made upon forms prepared by the department and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture as the case may be, and every such abstract shall be certified by the justice of the peace, police judge or clerk of such police court as a true abstract of the record of the court. The said department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

Motor  
vehicle  
department  
created

SEC. 37. There is hereby created a department to be known as the motor vehicle department of California. The chief officer shall be known as the superintendent who shall be a civil executive officer and shall be appointed by the governor and shall hold office at the pleasure of the governor. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand

dollars. He shall receive an annual salary of three thousand dollars to be paid monthly upon a warrant of the controller. He shall have the power to appoint one chief clerk who shall be a civil executive officer at an annual salary of twenty-one hundred dollars, one cashier at an annual salary of twenty-one hundred dollars, and with the approval of the board of control such additional employees as the proper and economical conduct of the business of the department may demand, and to fix and prescribe their compensation and term of employment. The cashier shall execute to the people of the state a bond in the penal sum of five thousand dollars. The salaries herein provided for shall be payable monthly, and the expenditures authorized by this act shall be made upon the certificate of the head of the department, allowed and audited by the board of control, and the warrant of the state controller. The records and such material, supplies and equipment as have been purchased incident to the registration of motor vehicles and licensing the operators thereof under the provisions of the motor vehicle act approved May 31, 1913, are hereby transferred to the department

Salary

SEC. 38 This act shall be known and cited as the "Vehicle Act." An act entitled, "An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to provide for carrying out the objects of this act and to make an appropriation and to create a revolving fund therefor; and to repeal all acts or parts of acts either in conformity or in conflict with this act," approved May 31, 1913, and all acts or parts of acts inconsistent with this act are hereby expressly repealed; *provided, however*, that the said motor vehicle act approved May 31, 1913, shall remain in full force and effect until midnight of the thirty-first day of December, 1915.

"Vehicle Act."

SEC 39 The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments; and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or

This act continuation of existing acts

established, or any action, suit or proceeding begun under any of the laws repealed before the repeal took effect, but the proceedings in such case shall, when necessary, conform to the provisions of this act.

Constitutionality

SEC. 40. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

In effect.

SEC. 41. The provisions of section thirty-seven of this act and such other provisions hereof as relate to the creation and conduct of the motor vehicle department, the preparation and purchase of forms, supplies, and other work incident to the registration of motor vehicles and to the licensing of the operators thereof shall go into effect ninety days after the final adjournment of this session of the legislature, and the remainder of this act shall go into effect at midnight on the thirty-first day of December, in the year one thousand nine hundred fifteen.

Copies printed

SEC. 42. There shall be printed one hundred fifty thousand copies of this act, which shall be distributed on demand, without charge, by the department.

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## CHAPTER 189.

*An act to amend sections five, six and seven of an act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder or under an act hereby repealed, to be known as the 'Inheritance Tax Act'; to repeal an act entitled 'An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens, arising hereunder; to repeal an act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens arising hereunder"; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection and to direct the disposition of its proceeds,"*

*approved March 23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, approved March 20, 1905, and all amendments thereto, and all acts and parts of acts in conflict with this act, approved April 7, 1911," approved June 16, 1913.*

[Approved May 10, 1915 In effect August 8, 1915 ]

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

SECTION 1. Section five of an act entitled, "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder or under an act hereby repealed, to be known as the 'Inheritance Tax Act'; to repeal an act entitled 'An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens, arising hereunder; to repeal an act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens arising hereunder"; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, approved March 20, 1905, and all amendments thereto, and all acts and parts of acts in conflict with this act," approved April 7, 1911 " approved June 16 1913, is hereby amended to read as follows.

Sec. 5. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent (*provided, however,* such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter), or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

Property exceeding exemption but not exceeding \$25,000

Where beneficiary is husband, wife or lineal descendant

Where beneficiary is brother or sister

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of a decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of three per centum of the clear value of such interest in such property.

Where beneficiary is brother or sister of father or mother

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

In all other cases

(4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

SEC. 2. Section six of the above entitled act is hereby amended to read as follows:

Tax rate when market value of property exceeds \$25,000

Sec. 6 (1) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision one of section five exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

Beneficiary being husband, wife or blood descendant

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, four per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, seven per centum of such excess

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, ten per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars and up to one million dollars, twelve per centum of such excess.

(f) Upon all in excess of one million dollars, fifteen per centum of such excess

(2) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision two of section five exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

Beneficiary being brother or sister

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, six per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, nine per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, twelve per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, fifteen per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars and up to one million dollars, twenty per centum of such excess.

(f) Upon all in excess of one million dollars, twenty-five per centum of such excess.

(3) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision three of section five exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, eight per centum of such excess. Beneficiary being brother or sister of father or mother

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, ten per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, fifteen per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, twenty per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars and up to one million dollars, twenty-five per centum of such excess.

(f) Upon all in excess of one million dollars, thirty per centum of such excess.

(4) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision four of section five exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows: In all other cases

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, ten per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, fifteen per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, twenty per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, twenty-five per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars, thirty per centum of such excess.

SEC. 3. Section seven of the above entitled act is hereby amended to read as follows:

Sec. 7. The following exemptions from the tax are hereby allowed:

(1) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, Exemptions

benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt.

(2) Property of the clear value of twenty-four thousand dollars, transferred to the widow or to a minor child of the decedent, and of ten thousand dollars transferred to each of the other persons described in the first subdivision of section five, shall be exempt.

(3) Property of the clear value of two thousand dollars, transferred to each of the persons described in the second subdivision of section five, shall be exempt.

(4) Property of the clear value of one thousand dollars, transferred to each of the persons described in the third subdivision of section five, shall be exempt.

(5) Property of the clear value of five hundred dollars, transferred to each of the persons and corporations described in the fourth subdivision of section five, shall be exempt.

## CHAPTER 190.

*An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for non-compliance.*

[Approved May 10, 1915. In effect—see section 19.]

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

SECTION 1. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing business in this state or maintaining an office herein, and which has not filed with the secretary of state prior to the day on which this act takes effect the document or documents required by section four hundred and eight of the Civil Code, or which shall hereafter do business in this state or maintain an office herein, or which shall enter this state for the purpose of doing business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, duly certified by the secretary of state or other officer authorized by the law of the jurisdiction under which such corporation is formed to certify such copy, and must also file a certified copy thereof, duly certified by the secretary of state of this state in the office of the county clerk of the county where its principal place of business in this state is located, and also where such corporation owns any property, and every such corporation shall pay to the secretary of state for filing in his

Corporations  
must file  
articles of  
incorpora-  
tion

Certified  
copy filed  
with county  
clerk

office such certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, a fee of seventy-five dollars, which fee shall be in lieu of the filing fee provided for in section four hundred and nine of the Political Code: *provided*, that foreign corporations organized for educational, religious, scientific or charitable purposes and having no capital stock, shall pay a fee of five dollars for filing the document or documents hereinabove required.

Fee

Foreign corporations having a capital stock shall also file with the secretary of state copies of any documents showing an increase or decrease in their authorized capital stock, which documents shall be certified in the manner hereinabove required, but no fee shall be paid for such filing. It is hereby provided that every foreign corporation subject to the tax herein provided shall file with the secretary of state, at the time it tenders payment of said tax and any penalty which has accrued, an affidavit sworn to by its president or secretary, showing the amount of its authorized capital stock on the first day of January of the year in which said payment is made, and in the event that such authorized capital stock, as shown by such affidavit, differs from the amount of such capital stock as appears from the records of the secretary of state, then the tax herein provided shall be measured by the amount shown in such affidavit, but in such event the license herein required shall not be issued nor shall the amount so tendered be accepted until copies of any documents relating to such change in authorized capital stock, certified as required by this section, shall have been filed with the secretary of state. If such corporation shall neglect to file such copy or copies before the hour of six o'clock p. m. of the first Monday of February of the year for which the license must be procured, it shall suffer the penalty for the delinquency herein provided and if it shall neglect to make such filing before the hour of six o'clock p. m. of the Saturday preceding the first Monday in March of such year, it shall suffer the forfeiture provided in section 7 of this act: *provided, however*, that any foreign corporation which, prior to the eighth day of March, nineteen hundred and one, shall have complied with the provisions of the act entitled, "An act to amend 'An act in relation to foreign corporations,' approved April first, eighteen hundred and seventy-two," approved March seventeenth, eighteen hundred and ninety-nine, shall, in lieu of the provisions of this section above set forth, file the affidavit herein required and the license tax due from such corporation shall be measured by the authorized capital stock, as shown thereby.

Foreign corporations to file documents

Affidavit concerning capital stock

Penalty for neglect to file.

SEC. 2. Upon filing in the office of the secretary of state the certified copy of articles of incorporation of corporations organized under the laws of this state, there shall be paid to the secretary of state the fees prescribed therefor by section four hundred and nine of the Political Code.

Fees to secretary of state.

Corporations  
must have  
state license  
for  
intrastate  
business

SEC. 3. No corporation heretofore or hereafter incorporated under the laws of this state, or of any other state, territory, or foreign country, shall do or attempt to do any intrastate business within this state by virtue of its charter, or certificate of incorporation, without a state license therefor.

Annual  
license tax

SEC. 4. It shall be the duty of every corporation incorporated under the laws of this state, and of every corporation incorporated under the laws of any other state, territory, or foreign country, now doing intrastate business within this state, or which shall hereafter engage in intrastate business in this state, to procure annually from the secretary of state a license authorizing the transaction of such business in this state, and to pay therefor the license tax prescribed herein.

For the purpose of measuring said tax the secretary of state shall examine all articles of incorporation and all documents on file in his office relating to an increase or decrease in the authorized capital stock of corporations which are subject to said tax, and determine the amount due from each corporation by the following rule:

Manner of  
measuring  
tax

When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000 00) the tax shall be ten dollars (\$10 00), when the authorized capital stock exceeds ten thousand dollars (\$10,000 00) but does not exceed twenty thousand dollars (\$20,000 00) the tax shall be fifteen dollars (\$15 00); when the authorized capital stock exceeds twenty thousand dollars (\$20,000 00) but does not exceed fifty thousand dollars (\$50,000 00) the tax shall be twenty dollars (\$20 00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000 00) but does not exceed one hundred thousand dollars (\$100,000 00) the tax shall be twenty-five dollars (\$25 00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000 00) but does not exceed two hundred and fifty thousand dollars (\$250,000 00) the tax shall be fifty dollars (\$50 00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000 00) but does not exceed five hundred thousand dollars (\$500,000 00) the tax shall be seventy-five dollars (\$75 00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000 00) but does not exceed one million dollars (\$1,000,000 00) the tax shall be one hundred dollars (\$100 00); when the authorized capital stock exceeds one million dollars (\$1,000,000 00) but does not exceed three million dollars (\$3,000,000 00) the tax shall be two hundred dollars (\$200 00); when the authorized capital stock exceeds three million dollars (\$3,000,000 00) but does not exceed five million dollars (\$5,000,000 00) the tax shall be three hundred and fifty dollars (\$350 00); when the authorized capital stock exceeds five million dollars (\$5,000,000 00) but does not exceed seven million five hundred thousand dollars (\$7,500,000 00) the tax shall be five hundred fifty dollars (\$550 00); when the authorized capital stock exceeds seven million five hundred

thousand dollars (\$7,500,000.00) but does not exceed ten million dollars (\$10,000,000.00) the tax shall be eight hundred dollars (\$800.00); when the authorized capital stock exceeds ten million dollars (\$10,000,000.00) the tax shall be one thousand dollars (\$1,000.00). All corporations having no capital stock, but organized for profit, shall pay an annual tax of ten dollars (\$10.00). Said license tax shall be due and payable to the secretary of state on the first day of January of each and every year. Such license tax shall be paid on or before the hour of six o'clock p.m. of the first Monday of February of each year and if not so paid shall at said hour become delinquent and there shall thereupon be added thereto as a penalty for such delinquency the sum of ten dollars (\$10.00).

When payable

SEC. 5. The license hereby provided authorizes the corporation holding the same to transact intrastate business in this state during the year or any fractional part of such year for which such license is issued. "Year," within the meaning of this act, means from and including the first day of January to and including the thirty-first day of December next thereafter.

License for year

"Year" defined

SEC. 6. At the time of filing any certified copy of articles of incorporation, or charter, or statute or statutes, or legislative, or executive or governmental act or acts creating a corporation, when filed between the first day of January and the thirty-first day of December, inclusive, in any year, there shall be paid to the secretary of state, in addition to all other fees required by law, that proportion of the license tax specified in section four of this act which the unexpired number of months of such year bears to the entire year including the month in which such filing occurs, and thereupon the secretary of state shall issue a license for such fractional part of the then current year.

Tax for fraction of year

SEC. 7. At the hour of six o'clock p.m. of the Saturday preceding the first Monday in March of each year the charters of all corporations organized under the laws of this state and which have failed to pay the license tax and penalty prescribed by section four of this act shall be forfeited to the State of California, and the right of all foreign corporations to do intrastate business in this state, which have failed to pay said license tax and penalties shall be likewise forfeited.

Charters forfeited for non-payment

SEC. 8. Educational, religious, scientific and charitable corporations, corporations which are not organized for profit, and corporations doing solely an interstate business and those corporations enumerated in subdivisions (a), (b) and (c) of section 14 of article XIII of the constitution are exempt from the payment of the tax provided by this act.

Exemptions

SEC. 9. Any corporation claiming exemption from the payment of said annual license tax must file with the secretary of state at least sixty days before such tax becomes due and payable a written protest in which it shall set forth all facts and reasons upon which such exemption claim is made, sworn to

Protest

by the president and secretary or general manager of such corporation. Failure to protest in the manner and within the time herein prescribed shall constitute a waiver of all rights of exemption from said tax. Such corporation shall furnish under oath such other proof as the secretary of state may require or demand. All evidence and proofs submitted upon such claim of exemption shall be submitted by the secretary of state to the board of control and state controller, and said officers shall thereupon determine the question of such corporation's claim of exemption. The determination of said officers upon all questions of fact shall be final and conclusive; *provided, however*, that at the time of filing a certified copy of the articles of incorporation of any domestic corporation in the office of the secretary of state, and at the time a foreign corporation files with the secretary of state the document or documents required by section one of this act, the secretary of state shall determine whether such corporation is exempt as an educational, religious, scientific, or charitable corporation or as a non-profit corporation or as one of the corporations enumerated in subdivisions (a), (b) and (c) of section 14 of article XIII of the constitution.

Evidence  
and proof  
submitted

Records of  
forfeiture

SEC. 10. If the license tax and penalties for delinquency required to be paid by section four of this act are not paid within the time herein required, the secretary of state shall on the Saturday preceding the first Monday in March, and at six o'clock p.m. of said day, enter upon the record of corporations in his office against the name of any company so failing to pay said license tax and penalty the words "charter forfeited to the state," if the corporation be a domestic corporation, and thereupon said charter shall be *ipso facto* so forfeited, and the words "right to do intrastate business forfeited" if the corporation be a foreign corporation, and thereupon said right to do intrastate business in this state shall be *ipso facto* so forfeited.

Copy of list  
of forfeited  
charters  
transmitted  
to county  
clerk

SEC. 11. On or before the first Monday of April of each year the secretary of state shall make a list of all domestic corporations whose charters have been so forfeited, and of all foreign corporations whose right to do intrastate business in this state has been so forfeited or which have surrendered their right to do intrastate business in this state as provided in section fifteen of this act, and shall transmit a certified copy thereof to each county clerk in this state, who shall file the same in his office.

Unlawful to  
do business  
after  
forfeiture

SEC. 12. It shall be unlawful for any corporation, either domestic or foreign, which has not paid the license tax, as in this act prescribed, to exercise the powers of such corporation, or to transact any intrastate business in this state, after six o'clock p.m. of the Saturday preceding the first Monday in March next following the delinquency. Each and every person who exercises any of the powers of a corporation which has forfeited its charter or right to do intrastate business in this state, or who transacts any business for or in behalf of

such corporation, after such forfeiture, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment

Penalty

SEC. 13. In all cases of forfeiture under the provisions of this act, the directors or managers in office of the affairs of any domestic corporation, whose charter may be so forfeited, or of any foreign corporation whose right to do business in this state may be so forfeited, are deemed to be trustees of the corporation and stockholders or members of the corporation whose power or right to do business is forfeited and have full power to settle the affairs of the corporation and to maintain or defend any action or proceeding then pending in behalf of or against any of said corporations, or to take such legal proceedings as may be necessary to fully settle the affairs of said corporation, and such directors or managers, as such trustees, may be sued in any of the courts of this state by any person having a claim against any of said corporations; *provided, always,* that no action pending against any corporation shall abate thereby, but may be prosecuted to final judgment and may be enforced by execution with the same force and effect and in like manner as though no forfeiture had occurred; *and provided, further,* that where judgment has been entered against any corporation prior to forfeiture under this act, that notwithstanding, execution may be issued thereon and the property of said corporation, or that may come into the hands of any trustees for it may be levied upon, seized and sold to satisfy the same with like force and effect as though such forfeiture had not occurred.

Directors have power to settle affairs

No action pending shall abate.

Judgments shall be executed.

SEC. 14. Any domestic corporation which suffers the forfeiture prescribed by this act, may pay to the secretary of state all taxes and penalties which shall have accrued prior to such forfeiture, and all taxes and penalties which would have accrued if such forfeiture had not occurred; and shall file an application with the secretary of state for the restoration of its charter, which application must set forth the names of the persons who became trustees upon such forfeiture, under the provisions of section 13 of this act, and shall be signed by all of said persons then surviving, and acknowledged by each of said persons before an officer authorized by the laws of this state to take acknowledgments of conveyances of real property; whereupon such corporation shall be restored to its former corporate status and the secretary of state shall issue to such corporation a license entitling it to transact intrastate business in this state during the year in which such license is issued; *provided, however,* that no corporation organized under the laws of this state which suffers such forfeiture shall be relieved from the effect thereof, nor shall such license be issued, in the event that subsequent to the date of forfeiture its corporate name, or a name so closely resembling said name

Corporations restored to corporate status on payment of taxes, etc

as will tend to deceive has been adopted and is in use by another domestic corporation.

Any foreign corporation which suffers a forfeiture of its right to do intrastate business in this state, may pay to the secretary of state all taxes and penalties which shall have accrued prior to such forfeiture, and all taxes and penalties which would have accrued if such forfeiture had not occurred, and shall file with the secretary of state its application for a restoration of its right to do intrastate business, and copies of any documents increasing or decreasing its capital stock, certified as hereinbefore provided, together with an affidavit by its president or secretary, setting forth the amount of its authorized capital stock on the first day of January of the year in which said application is presented, and the taxes which would have accrued after the date of such forfeiture shall be measured by the authorized capital stock, as shown by such copies and affidavits; whereupon such corporation shall be restored to its former corporate status and the secretary of state shall issue to such corporation a license entitling it to do intrastate business in this state during the year in which such license is issued.

Corporations  
forfeiting  
charters  
under act of  
1905 may be  
reinstated

Any domestic corporation which has heretofore suffered a forfeiture of its charter under the provisions of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, or under the provisions of any act amendatory thereof, may be restored to its former corporate status, subject to and upon complying with the conditions hereinabove provided for the reinstatement of domestic corporations which suffer the forfeiture prescribed by this act, and in addition thereto, upon payment of the taxes and penalties which would have accrued under said act of 1905, or any of the acts amendatory thereof, if such forfeiture had not occurred.

Any foreign corporation which has suffered a forfeiture of its right to do business in this state under the provisions of said act of 1905, or any act amendatory thereof, may be relieved from the effect thereof and resume an intrastate business in this state upon filing with the secretary of state an affidavit by its president or secretary, setting forth the amount of its capital stock at time of taking effect of this act, and stating any subsequent changes in said authorized capital stock, and the dates on which such changes became effective, and shall pay to the secretary of state all taxes and penalties which would have accrued under said act of 1905, or under any of the acts amendatory thereof if such forfeiture had not occurred, and the taxes and penalties which would have accrued under the provisions of this act; whereupon such corporation shall be restored to its former corporate status and the secretary of state shall issue to such corporation a license

entitling it to do intrastate business in this state during the year for which the license is issued. And the secretary of state shall, on or before the first Monday of April of each year, make a list of the corporations, both foreign and domestic, so paying, and of the foreign corporations which have resumed the transaction of intrastate business in this state, as provided in section fifteen of this act, and shall transmit a certified copy of said list to each county clerk in this state, who shall file the same in his office; *provided*, the rehabilitation of any such corporation by reason of making such payments shall be without prejudice to any action, defense, or right which accrued by reason of the original forfeiture

SEC. 15. Any foreign corporation may surrender its right to engage in intrastate business in this state by filing a stipulation with the secretary of state, in which it shall agree that it will not transact such business at any time thereafter without first obtaining from the secretary of state a license authorizing the resumption of such business, as hereinafter provided. Upon the filing of such stipulation and upon the payment of any tax or penalty then due, said corporation shall be exempt from the payment of the tax provided in this act. It shall be unlawful for any such corporation to exercise its corporate powers in transacting any intrastate business in this state after the filing of such stipulation. Each and every person who exercises any of the powers of such corporation in the transaction of intrastate business or who transacts any intrastate business for or in behalf of such corporation after such filing shall be subject to penalties prescribed by section twelve of this act.

Foreign corporations may surrender right to intrastate business

Any such corporation may resume the transaction of intrastate business in this state at any time thereafter upon filing its application for a license therefor with the secretary of state and an affidavit by its president or secretary setting forth the amount of its authorized capital stock, and copies of any documents increasing or diminishing such capital stock, which copies shall be certified as herein provided, and upon paying a tax for the unexpired portion of the year which shall be measured by its authorized capital stock and which shall be that portion of the license tax specified in section 4 of this act which the unexpired number of months of such year, including the month in which such license is issued, bears to the entire year.

May resume intrastate business

SEC. 16. Any false statement contained in any of the affidavits herein required shall constitute perjury, and shall be punishable as such.

False statements, perjury

SEC. 17. All moneys herein required to be paid shall, upon collection by the secretary of state, be immediately paid by him into the state treasury.

Collections paid into treasury

SEC. 18. Nothing in this act shall be construed as affecting or repealing any statute of this state respecting the assessment of franchises and levying of taxes thereon

Construction of act

In effect  
when

SEC. 19. The provisions of this act in so far as they relate to the payment of the license tax provided for in section four of this act shall take effect on the first day of January, 1916, and as to all other provisions this act shall take effect ninety days after final adjournment of the forty-first session of the legislature.

## CHAPTER 191.

*An act to amend section four hundred forty-five of the Political Code of the State of California, authorizing the controller of state to maintain an inheritance tax department and in connection therewith to appoint an inheritance tax attorney and assistants thereto.*

[Approved May 10, 1915 In effect August 8, 1915]

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

SECTION 1. Section four hundred forty-five of the Political Code of the State of California, is hereby amended to read as follows:

Inheritance  
tax  
department  
established

Duties

Inheritance  
tax attorney  
and  
assistants

Duties

445. The controller shall maintain under his authority and direction a department, to be known as the inheritance tax department, which is hereby established, for the purpose of supervising and assisting in the administration of the inheritance or transfer tax laws of this state. Said department shall gather, record, compile, publish and distribute such information and data as the controller may direct relative to the inheritance or transfer tax laws of this or other states or relative to the administration, enforcement or evasion of such laws. Said department shall co-operate with, advise and assist inheritance tax appraisers, county treasurers, district attorneys and other officers and persons in the administration and enforcement of the inheritance or transfer tax laws of this state, and shall prepare, publish and distribute such blank forms for use of inheritance tax appraisers or other use as the controller may direct. In connection with said inheritance tax department, the controller may appoint, in addition to other employees provided for by statute, an inheritance tax attorney, whose office shall be in the city of Sacramento, five assistant inheritance tax attorneys, two of whom shall have their offices in the city of Los Angeles, two of whom shall have their offices in the city and county of San Francisco, and one of whom shall have his office in the city of Sacramento. Said attorneys shall be civil executive officers and shall be admitted and licensed to practice before the supreme court of this state. The inheritance tax attorney shall, under the authority and direction of the controller, have general supervision of said department. He shall have particular charge of the legal work connected with said department and shall perform such other duties as the controller may direct. Said assistant inheritance tax attorneys

shall perform such legal and other services relative to the administration and enforcement of said inheritance or transfer tax laws in the respective counties in which their offices may be situated or in any neighboring county, as the controller may direct. The salary of said inheritance tax attorney shall be Salaries three thousand dollars per annum. The salary of one assistant inheritance tax attorney whose office shall be in the city of Los Angeles shall be three thousand dollars per annum. The salary of the second assistant inheritance tax attorney whose office shall be in the city of Los Angeles shall be two thousand four hundred dollars per annum. The salary of one assistant inheritance tax attorney whose office shall be in the city and county of San Francisco shall be three thousand dollars per annum. The salary of the second assistant inheritance tax attorney, whose office shall be in the city and county of San Francisco shall be two thousand four hundred dollars per annum. The salary of said assistant inheritance tax attorney whose office shall be in the city of Sacramento shall be two thousand seven hundred dollars per annum. Said Expenses attorneys shall also receive their necessary traveling and incidental expenses. Said expenses and any other and further and additional expenses for attorneys, clerks, experts, agencies or persons or for any other purpose which said controller may find necessary or proper in the conduct of said inheritance tax department shall be paid out of such moneys as may be appropriated from time to time to the controller for use of said inheritance tax department.

CHAPTER 192.

*An act to appropriate money for the replacement of a main pipe line and connections thereto, and the completion of the reservoir and water systems at the Mendocino State Hospital.*

[Approved May 19, 1915 In effect immediately ]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the replacement of the main pipe line and connections thereto and the completion of the reservoir and water system at the Mendocino State Hospital. Appropriation completion water system Mendocino hospital

SEC. 2. Inasmuch as the patients, employees and officers at the Mendocino State Hospital are dependent for a proper water supply upon the present pipe line which is liable to give way at any time, the appropriation herein made for a new pipe line and connections is hereby declared to be necessary for the immediate preservation of the public peace and safety, and this act is hereby declared to be an urgency measure within the meaning of section one of article IV of the constitution. Urgency

## CHAPTER 193.

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

[Approved May 16, 1915 In effect August 8, 1915.]

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

Appropriation repairing, etc., governor's residence

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated, to be expended under the direction and supervision of the state department of engineering, in furnishing, repairing, renovating and improving the governor's residence.

SEC. 2. The state controller is hereby authorized to draw his warrants for the amount herein appropriated or any part thereof, upon claims approved by the state board of control, and the state treasurer is hereby directed to pay the same

## CHAPTER 194.

*An act authorizing and providing for an investigation and report upon the matter of revenue and taxation, and making an appropriation therefor.*

[Approved May 10, 1915 In effect August 8, 1915.]

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

Appropriation investigation revenue and taxation

SECTION 1. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used at the direction of the governor for the purpose of investigating and reporting upon the matter of revenue and taxation as set forth hereinafter.

Governor may appoint experts to investigate systems

SEC. 2. The governor may direct any state officer, or appoint or authorize the employment of any expert or other assistants as may be necessary, to investigate the systems of revenue and taxation in force in this and other states, and particularly to examine into any and all matters appertaining to the subjects of revenue and taxation in this state. The findings and conclusions of such investigations and recommendations as to necessary changes in the existing system in this state shall be reported to the legislature at its session in January, 1917. There shall also be made a special investigation and report upon the matter of the relative burden of taxes borne by general property values and corporation property values taxed directly by the state under the existing system of taxation. There shall also be made a special investigation and report upon the matter of reimbursements to counties which sustain loss of revenue by the withdrawal

Report of findings

Relative burden of general property and corporation property

of railroad property under the provisions of section fourteen of article XIII of the constitution; said investigation to be pursued with the object of ascertaining and determining what legal and equitable adjustment, if any, should be made in the settlement of such losses, as provided by law, and whether other losses have accrued under the provisions of said section fourteen of article XIII of the constitution.

Loss of revenue to counties

SEC. 3. Such officers or appointees provided for in section two of this act are hereby authorized and empowered, at the direction of the governor:

Powers of investigators

(1) To do any and all things necessary to make a full and complete investigation in accordance with this act.

(2) To require the attendance of persons and the production of papers before them or any one thereof and to take testimony under oath and administer oaths in the same manner that any court in this state may.

(3) To require reports from all state, county and municipal officers as to matters of revenue and taxation appertaining to their respective offices, and to examine the records and papers of any such official as to any matter of revenue and taxation.

SEC. 4. It is hereby made the duty of any officer referred to in subdivision three of section three of this act to promptly make report when requested so to do and any such officer who shall fail or refuse to make such report promptly shall be guilty of a misdemeanor.

Duty of state, county, city officers to report

CHAPTER 195.

*An act making an appropriation for the purchase of an automobile for the use of the governor of the State of California.*

[Approved May 10, 1915 In effect August 8, 1915]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of two thousand six hundred fifty-eight dollars to purchase an automobile for the use of the governor.

Appropriation automobile for governor

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

## CHAPTER 196.

*An act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure of the State of California, relating to disposition of life estates or homesteads, on owner's death, in certain cases.*

[Approved May 10, 1915 In effect August 8, 1915.]

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

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

Persons  
dying who  
owned life  
estates or  
homesteads

Interested  
persons may  
petition  
concerning

Copy to  
state  
controller

Decree of  
court

1723. If any person has died or shall hereafter die who at the time of his death was the owner of a life estate which terminates by reason of the death of such person, or if such person at the time of his death was one of the spouses owning lands as a home-stead, which lands by reason of the death of such person, vest in the surviving spouse; any person interested in the property, or in the title thereto, in which such estates or interests were held, may file in the superior court of the county in which the property is situated, his verified petition setting forth such facts, and thereupon and after such notice by publication or otherwise, as the court may order; *provided*, that a copy of such notice be directed to be served upon the state controller by mail at least five days before the time set for the hearing of said petition, the court shall hear such petition and the evidence offered in support thereof, and if upon such hearing it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, or such home-stead vested in the survivor of such marriage, the court shall make a decree to that effect, and thereupon a certified copy of such decree may be recorded in the office of the county recorder, and thereafter shall have the same effect as a final decree of distribution so recorded

## CHAPTER 197.

*An act to amend section one thousand four hundred forty-four of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.*

[Approved May 10, 1915 In effect August 8, 1915.]

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

SECTION 1. Section one thousand four hundred forty-four of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1444. To make the appraisement, the court, or a judge thereof, must appoint three disinterested persons, one of whom must be one of the inheritance tax appraisers provided for by law (any two of whom may act, provided, that one of them be the inheritance tax appraiser); *provided*, that the court may, in its discretion, appoint said inheritance tax appraiser as sole appraiser to appraise said estate. Said appraisers are entitled to receive a reasonable compensation for their services, not to exceed five dollars per day, to be allowed by the court or judge. The appraisers or appraiser must, with the inventory, file a verified account of their or his services and disbursements. If any part of the estate is in any other county than that in which letters issued, an appraiser or appraisers thereof may in the same manner as above provided, be appointed, either by the court or judge having jurisdiction of the estate, or by the court or judge of such other county, on request of the court or judge having jurisdiction. No clerk or deputy, nor any person related by consanguinity or affinity to or connected by marriage with, or being a partner or employee of the judge of the court, shall be appointed or shall be competent to act as appraiser in any estate, or matter or proceeding pending before said judge or in said court.

Three persons to appraise estates of deceased persons

Compensation

If part of estate is in another county

Clerk, etc., or relative of judge not competent to act

CHAPTER 198.

*An act to amend chapter five hundred ninety-five of the laws of the session of the legislature of California of 1913, approved June 16, 1913, known as the "Inheritance Tax Act," by amending sections one, nine and fourteen thereof; and adding thereto a new section to be numbered section seventeen and a half.*

[Approved May 10, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of the inheritance tax act approved June 16, 1913, is hereby amended to read as follows:

Sec. 1. (a) This act shall be known as the "Inheritance Tax Act."

(b) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heir next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state.

Definitions

(c) The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

(d) The word "decendent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

(e) The words "county treasurer" and "district attorney" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the district attorney or the inheritance tax appraiser of the county of the superior court having jurisdiction, as provided in section fifteen of this act.

"Contem-  
plation of  
death"

(f) The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person making a gift *causa mortis*; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testator or intestate laws.

Joint  
tenancy  
without  
valuable con-  
sideration

(g) When any person or persons, either directly or indirectly, create any joint tenancy, joint account, joint deposit, or other interest in any property, whereby any right of survivorship is created between such person or persons and any other person or persons, without valuable and adequate consideration therefor, the creation of such joint tenancy, joint account, joint deposit, or other interest in such property, with right of survivorship, shall be deemed to be a transfer intended to take effect in possession or enjoyment at or after the death of the person or persons in this paragraph first mentioned, within the meaning of this act

SEC. 2. Section nine of said inheritance tax act is hereby amended to read as follows:

Estate for  
life to be  
appraised  
upon death  
of decedent

Sec. 9. (a) When any grant, gift, legacy, devise or succession upon which a tax is imposed by section two of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section sixteen or seventeen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid: *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of said tax, with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at such time or period as they or their representatives may come

May elect  
not to pay  
until in  
possession

into actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed, as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years. If the same shall not be so renewed before the expiration of each five-year period the bond shall immediately become due and payable, and if the same be not paid forthwith the attorney general shall file an action in the name of the people of the state, on the relation of the controller, to recover the same.

Return of property

(b) In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however*, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section twelve hereof upon order of the court having jurisdiction.

No allowance for contingent incumbrance

(c) When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said

Property transferred in trust

person or corporation should pay under the provisions of this act. Such return of overpayment shall be made in the manner provided by section twelve of this act, upon order of the court having jurisdiction.

Estates in  
expectancy

(d) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

Estate for  
life

(e) Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

Value of  
future  
estates

(f) The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any superior court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct.

SEC. 3. Section fourteen of said inheritance tax act is hereby amended to read as follows:

Inheritance  
tax  
appraisers

Sec. 14. The state controller shall appoint, and may at his pleasure remove, one or more persons in each county of the state to act as inheritance tax appraisers therein. Every such inheritance tax appraiser (in addition to any fees paid him as appraiser under section one thousand four hundred forty-four of the Code of Civil Procedure) shall be paid for his services out of any inheritance tax moneys in the hands of the treasurer of the county in which he may be acting, a reasonable compensation, to be fixed by the superior court of said county, or a judge thereof, and, together with said compensation, said appraiser shall be allowed his actual and necessary traveling and other incidental expenses, and the fees paid such witnesses as he shall subpoena before him. (which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts

of record); *provided*, that any claim for any such services or expenditure, must before payment, first receive the approval of the state controller; *and provided, further*, that in any probate proceeding in which the executor or administrator shall have failed to have had the inheritance tax appraiser act as one of the appraisers under section one thousand four hundred forty-four of the Code of Civil Procedure and to have paid him his fees therefor, the expense of making the inheritance tax appraisement in this act provided for shall be paid out of said estate, and the executor or administrator thereof shall be liable for said fee. Any such appraiser who shall take any fee or reward, other than such as may be allowed him by law, from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

SEC. 4. A new section is hereby added to said inheritance tax act, to be numbered seventeen and one-half and to read as follows:

Sec. 17½ No fee shall be charged said state controller or county treasurer by any public officer in this state for the filing or recording of any petition, *lis pendens*, decree or order in any proceeding taken under this act.

No fee charged controller

## CHAPTER 199.

*An act re-appropriating money appropriated by an act entitled "An act appropriating money for the construction and equipment of shop buildings at Folsom State Prison," approved June 7, 1913, and making the same available for the construction of a cell building and wall and for other improvements at Folsom State Prison.*

[Approved May 10, 1915. In effect immediately.]

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

SECTION 1. The sum of thirty-three thousand and sixty dollars or whatever balance may be now remaining of an appropriation made by an act entitled "An act appropriating money for the construction and equipment of shop buildings at Folsom State Prison," approved June 7, 1913, is hereby re-appropriated and made available to be expended in accordance with law for the construction and completion of a cell building and wall and for other improvements at Folsom State Prison.

Appropriation cell building, Folsom

Urgency

SEC. 2. Inasmuch as the cell accommodations at Folsom State Prison are entirely inadequate to accommodate the constantly increasing number of inmates, the additional building for which provision is hereby made is declared to be necessary for the immediate preservation of the public peace and safety, and this act is hereby declared to be an urgency measure within the meaning of section 1 of article IV of the constitution

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CHAPTER 200.

*An act to appropriate money to pay the deficiency in the appropriation for the support of the commission of immigration and housing of California for the sixty-sixth fiscal year.*

[Approved May 15, 1915. In effect immediately.]

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

Appropriation support, commission of immigration and housing

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the deficiency in the appropriation for support of the commission of immigration and housing of California for the sixty-sixth fiscal year.

Current expenses

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

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CHAPTER 201.

*An act appropriating money to provide for the improvement and maintenance of grounds at the State Agricultural Park in the city of Sacramento, California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation improvement, State Agricultural Park

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide for the improvement and maintenance of grounds at the State Agricultural Park in the city of Sacramento.

CHAPTER 202.

*An act authorizing and directing the directors of the state agricultural society to erect a new building and to furnish and equip the same, at Agricultural Park in the city of Sacramento, State of California, to be known as the woman's building, and making an appropriation therefor.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

SECTION 1. The directors of the state agricultural society are hereby authorized and directed to erect, furnish and equip, pursuant to plans prepared by the state department of engineering, at Agricultural Park in the city of Sacramento, woman's building so arranged and equipped as to be suitable for the display of women's handiwork; also for the display of fine arts, and also for demonstrating in a practical way the science of domestic economy; the said building to be constructed of such material as will render it practically fireproof.

Woman's  
building,  
State  
Agricultural  
Park

SEC. 2. The building herein provided for shall be erected under the direction and supervision of the state department of engineering in accordance with the laws governing the erection of state buildings.

Direction of  
depart-ment  
of  
engineering

SEC. 3. For the purpose of carrying out the provisions of this act, the sum of thirty thousand dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrants from time to time as the work progresses up to full amount of this appropriation in favor of the person authorized by law to receive the same, and the state treasurer is hereby directed to pay the same.

Appropriation

CHAPTER 203.

*An act declaring the wagon road from McKinney's to the west end of Donner Lake a state highway.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1 The wagon road extending along the west side of Lake Tahoe, from McKinney's in El Dorado county to Tahoe City, thence along the Truckee river to Truckee and thence in a westerly direction to the west end of Donner lake in Nevada county, connecting with the present state highway from Emigrant Gap, is hereby declared to be a state highway and placed under the management and control of the department of engineering, and it shall be the duty of the said

Wagon road,  
McKinney's  
to Donner  
Lake,  
declared  
state  
highway

department to locate, survey, construct and reconstruct the same with such variations as will in the opinion of the said department be advisable

Rights of  
way, etc.,  
to be  
acquired

SEC. 2. The said department is authorized and directed to take such steps as may be necessary to acquire for the state all rights of way, roads, culverts, bridges, quarries, timber and tools, machinery and appliances necessary to the construction and improvement of the said highway: *provided, however*, that no public corporation or political subdivision of the state shall receive any compensation on account of the said road.

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#### CHAPTER 204.

*An act appropriating money for the construction and equipment of buildings on the property of Humboldt State Normal School*

[Approved May 17, 1915 In effect August 8, 1915]

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

Appropriation  
buildings  
Humboldt  
Normal

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of temporary buildings and improvements on the property of Humboldt State Normal School.

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#### CHAPTER 205.

*An act appropriating money to pay the claim of Grocer's Building Company against the State of California.*

[Approved May 17, 1915 In effect August 8, 1915]

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

Appropriation  
claim,  
Grocer's  
Building  
Company.

SECTION 1 The sum of two hundred forty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Grocer's Building Company against the State of California and the state controller is hereby directed to draw his warrant in favor of Grocer's Building Company for said sum of two hundred forty-five dollars and the state treasurer is hereby directed to pay the same

CHAPTER 206.

*An act to appropriate money to pay the expenses of furnishing and equipping a new normal school building at the Fresno State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses of furnishing and equipping a new normal school building at the Fresno State Normal School.

Appropriation normal school building, Fresno Normal

CHAPTER 207.

*An act to appropriate money for improving the grounds at the Fresno State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1 The sum of nine thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the cost of improving the grounds at the Fresno State Normal School.

Appropriation improving grounds, Fresno Normal

CHAPTER 208.

*An act to appropriate money for the construction and furnishing of two barracks for male epileptics at the Sonoma State Home.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of two barracks for male epileptics at the Sonoma State Home.

Appropriation barracks for epileptics, Sonoma State Home

## CHAPTER 209.

*An act to appropriate money for the improvement of grounds and roads at the Sonoma State Home.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation improving grounds, Sonoma State Home.

SECTION 1 The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the improvement of grounds and roads at the Sonoma State Home.

## CHAPTER 210.

*An act to appropriate money for the construction and furnishing of a convalescent building for females at the Stockton State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation convalescent building, Stockton Hospital

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of a convalescent building for females at the Stockton State Hospital.

## CHAPTER 211.

*An act to appropriate money for the purchase and expense of installation of a boiler at the Stockton State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation boiler, Stockton Hospital.

SECTION 1 The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase and expense of installation of a boiler at the Stockton State Hospital.

CHAPTER 212.

*An act to appropriate money for the building and equipping of ten sanitary cottages for the Veterans' Home of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and equipment of ten sanitary cottages for the Veterans' Home of California.

Appropriation sanitary cottages, Veterans' Home

CHAPTER 213.

*An act to appropriate money for repairs and improvements to the buildings at the Veterans' Home of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements to the buildings at the Veterans' Home of California.

Appropriation repairs, Veterans' Home

SEC. 2. The money so appropriated shall be available to pay any expense which has been incurred for said purposes subsequent to the first day of February, 1915.

For expenses incurred subsequent to Feb. 1915

CHAPTER 214.

*An act to appropriate money for construction and equipment of bath rooms in the barracks at the Veterans' Home.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for construction and equipment of bath rooms in the barracks at the Veterans' Home.

Appropriation bath rooms, Veterans' Home

## CHAPTER 215.

*An act to appropriate money for plumbing and repairs to plumbing at the Veterans' Home of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
plumbing,  
Veterans'  
Home

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for plumbing and repairs to plumbing at the Veterans' Home of California.

## CHAPTER 216.

*An act to appropriate money for wiring for electricity at the Veterans' Home of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
electric  
wiring,  
Veterans'  
Home

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for wiring for electricity at the Veterans' Home of California.

## CHAPTER 217.

*An act to appropriate money for the purchase of additional land at the Napa State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
land,  
Napa  
Hospital

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of additional land at the Napa State Hospital.

Land to be  
purchased  
specified

SEC. 2. The land purchased under the provisions of this act shall be that known as the Kruse ranch, located adjacent to the present property of the Napa State Hospital. The purchase price of such land shall be subject to the approval of the state board of control. Title to the land so purchased shall be taken in the name of the State of California and shall have the approval of the state attorney general. The deed or deeds to the land shall be delivered by the owner or owners to the board of managers of the Napa State Hospital upon payment of the purchase price, and said deed or deeds shall be filed in the office of the secretary of state.

CHAPTER 218.

*An act to appropriate money for the construction and furnishing of two patient cottages at the Southern California State Hospital.*

[Approved May 17 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of two patient cottages at the Southern California State Hospital.

Appropriation cottages Southern California Hospital

CHAPTER 219.

*An act to appropriate money to construct outdoor class rooms for the training school at the San Jose State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for the construction, repairs and equipping of outdoor class rooms for the training school at the San Jose State Normal School

Appropriation outdoor class rooms, San Jose Normal

CHAPTER 220.

*An act to appropriate money for the purchase and installation of three electric elevators at the Mendocino State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase and installation of three electric elevators at the Mendocino State Hospital.

Appropriation elevators, Mendocino Hospital.

## CHAPTER 221.

*An act providing for the construction and repairing of live stock barns and sheds on the state fair grounds at Agricultural Park in the city of Sacramento, and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
stock barns state  
fair grounds

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the erection and repairing of live stock barns and sheds on the state fair grounds at Agricultural Park in the city of Sacramento, said work to be under the direction and control of the state engineering department.

## CHAPTER 222.

*An act to amend sections one and four of an act approved April 25, 1911, and entitled "An act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the state university; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an act entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and to repeal an act approved February 14, 1887, entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an act approved February 27, 1897, entitled "An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," approved March 20, 1909."*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1 Sections one and four of an act approved April 25, 1911, and entitled "An act to carry into effect the provisions of subdivision (c) of section fourteen of article thir-

teen of the constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the state university; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an act entitled 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and to repeal an act approved February 14, 1887, entitled 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an act approved February 27, 1897, entitled 'An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,' approved March 20, 1909," are hereby amended so as to read respectively as follows:

Sec. 1 In order to carry into effect the provisions of sub-division (c) of section fourteen of article thirteen of the constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the state university, and to provide for the permanent support and improvement of the University of California, there is hereby created an annual fund to be called "the state university fund"; said fund for the sixty-third fiscal year shall be equal to, but not more than, seven per cent in excess of the amount received by the university under the provisions of chapter three hundred twenty-nine of the statutes of 1909 for the fiscal year ending June thirtieth in the year one thousand nine hundred and eleven; and provided, further, that such fund for each of the sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth fiscal years shall be equal to but not more than seven per cent in excess of the amount received by the university under this act for the immediately preceding respective fiscal year.

Sec. 4. The money derived from said fund must be applied only to the support and permanent improvement of the university. The board of regents must include in its biennial report to the governor a statement of the manner in and the purposes for which all of the moneys referred to and raised under this act were expended during the two fiscal years immediately preceding such report.

## CHAPTER 223.

*An act to appropriate money for furnishing, equipping and maintaining the exposition building at Los Angeles, California, and for establishing and maintaining a permanent exhibit therein of the products and resources of the different counties of the State of California.*

[Approved May 17, 1915 In effect July 1, 1915.]

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

Appropriation  
exposition  
building,  
Los Angeles

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used by the board of directors of the sixth district agricultural society for furnishing, equipping and maintaining the exposition building located in Agricultural Park, otherwise known as exposition park, in the city of Los Angeles, California, for the installation, equipment and maintaining of a permanent exhibit therein of the products and resources of the different counties of the State of California, and for a fair or exposition in said Agricultural Park.

When  
available.

SEC. 2. Of the money hereby appropriated the sum of twenty-five thousand dollars shall become available for the fiscal year beginning July 1, 1915, and the sum of twenty-five thousand dollars become available on and after July 1, 1916.

Current  
expenses

SEC. 3. This act, inasmuch as it provides for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect on July 1, 1915.

## CHAPTER 224.

*An act to appropriate money for repairs and improvements to the Chico State Normal School*

[Approved May 17, 1915. In effect August 8, 1915]

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

Appropriation im-  
provements,  
Chico  
Normal

SECTION 1 The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for repairs and improvements at the Chico State Normal School.

CHAPTER 225.

*An act to appropriate money for remodeling the buildings at the San Francisco State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended in remodeling the buildings at the San Francisco State Normal School. The money herein appropriated shall be available to pay any expense which has been incurred for said purpose subsequent to the fifteenth day of April, 1915.

Appropriation remodeling buildings, San Francisco Normal

CHAPTER 226.

*An act to appropriate money for repairs and furnishings at the San Francisco State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and furnishings at the San Francisco State Normal School.

Appropriation repairs, etc., San Francisco Normal

CHAPTER 227.

*An act to appropriate money for the purchase of machinery and equipment for the manufacturing departments at the state prison at San Quentin.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of machinery and equipment for the manufacturing departments at the state prison at San Quentin.

Appropriation machinery, San Quentin prison

## CHAPTER 228.

*An act to appropriate money for the development of the water supply and pumping plant at the state prison at San Quentin.*

[Approved May 17, 1915. In effect August 8 1915.]

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

Appropriation water supply, San Quentin prison

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the development of the water supply and pumping plant at the state prison at San Quentin.

## CHAPTER 229.

*An act to appropriate money for the purchase of live stock at the state prison at San Quentin.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation live stock, San Quentin prison.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of live stock at the state prison at San Quentin.

## CHAPTER 230.

*An act to appropriate money to complete and furnish the Los Angeles normal school buildings.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation furnishings, Los Angeles Normal

SECTION 1. The sum of eight thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to complete and furnish the Los Angeles normal school buildings by the installation of electric fixtures and tinting and purchase of furniture.

CHAPTER 231.

*An act to appropriate money to purchase additional equipment for the industrial training departments of the Los Angeles State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of five thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to purchase additional equipment for the industrial training departments of the Los Angeles State Normal School.

Appropriation industrial training equipment, Los Angeles Normal

CHAPTER 232.

*An act to appropriate money to construct an addition to the manual training building of the Los Angeles State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to construct an addition to the manual training building of the Los Angeles State Normal School.

Appropriation addition manual training building, Los Angeles Normal

CHAPTER 233.

*An act to appropriate money for improvement to grounds at the Los Angeles State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for improvement to grounds at the Los Angeles State Normal School.

Appropriation improvement grounds, Los Angeles Normal

## CHAPTER 234

*An act to appropriate money for repairs and improvements at the San Diego State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
im-  
provements,  
San Diego  
Normal

SECTION 1. The sum of fourteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for repairs and improvements at the San Diego State Normal School.

## CHAPTER 235.

*An act to appropriate money for furniture and equipment at the San Diego Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
furniture,  
San Diego  
Normal

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for furniture and equipment at the San Diego Normal School.

## CHAPTER 236.

*An act to appropriate money for improvement of grounds at the San Diego State Normal School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
im-  
provements,  
grounds,  
San Diego  
Normal

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for improvement of the grounds at the San Diego State Normal School.

CHAPTER 237.

*An act to appropriate money for the support and maintenance and erection of additional buildings at the state hospital at Norwalk, Los Angeles county, California.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

SECTION 1. The sum of one hundred ninety-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support and maintenance and erection of additional buildings at the state hospital at Norwalk, Los Angeles county, California.

Appropriation support etc., Norwalk Hospital

CHAPTER 238.

*An act to appropriate money for the erection and furnishing of cottages at the Whittier State School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the erection and furnishing of cottages at the Whittier State School.

Appropriation cottages, Whittier School

CHAPTER 239.

*An act to appropriate money for the construction of a commissary building and equipment at the California School for Girls located near Ventura.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of a commissary building and equipment at the California School for Girls located near Ventura.

Appropriation commissary building, California School for Girls

## CHAPTER 240.

*An act to appropriate money for the construction of farm buildings and improvements at the California School for Girls located near Ventura.*

[Approved May 17, 1915 In effect August 3, 1915]

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

Appropriation farm buildings, California School for Girls.

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of farm buildings and improvements at the California School for Girls located near Ventura.

## CHAPTER 241.

*An act to appropriate money for the construction and furnishing of a cottage for males at the California School for Girls located near Ventura.*

[Approved May 17, 1915. In effect August 8, 1915]

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

Appropriation cottage for males, California School for Girls.

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of a cottage for males at the California School for Girls located near Ventura.

## CHAPTER 242.

*An act to appropriate money to pay the cost of printing, publishing and distributing state textbooks free to the school children of the state in accordance with the provisions of the constitution.*

[Approved May 17, 1915 In effect July 1, 1915]

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

Appropriation free textbooks.

Publishing expenses.

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the cost of printing, publishing and distributing state textbooks to the school children of the state in accordance with section seven of article IX of the constitution of the State of California. The expense of publishing shall include the payment of royalties, and all material, labor and other expenses necessary to the mechanical work of printing and binding said books. All books shall be printed upon the order of the superintendent of

public instruction and claims shall be drawn after being certified to by the superintendent of state printing, as provided by law. The expense of distributing shall consist of postage, expressage, freight or other delivery, clerical or other help, and all other necessary expenses connected with such distribution; the claim for same to be presented and certified to by either of the above state officers incurring the same, and audited and allowed in the manner provided by law.

Distributing expenses

SEC. 2. This act, inasmuch as it provides for the usual current expenses of the state shall, under the provisions of section one of article IV of the constitution of the State of California, take effect on July 1, 1915.

Current expenses

CHAPTER 243.

*An act to appropriate money to pay the expenses of street improvements fronting the property of the San Jose State Normal School in the city of San Jose.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses of street improvements fronting the property of the San Jose State Normal School in the city of San Jose.

Appropriation street improvements, San Jose Normal

CHAPTER 244.

*An act assenting to the provisions and requirements of the act of the congress of the United States entitled "An act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture," approved by the president of the United States May 8, 1911, and authorizing and empowering the regents of the University of California to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work in accordance with the terms and conditions expressed in said act.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The assent of the State of California is hereby given to the provisions and requirements of the act of the congress of the United States entitled "An act to provide for

Assent agricultural extension work

co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture," and approved by the President of the United States May 8, 1914.

University of California authorized to receive grants of money

SEC. 2. The regents of the University of California are hereby authorized and empowered to receive the grants of money appropriated under said act of congress and to organize and conduct agricultural extension work in accordance with the terms and conditions expressed in said act.

University authorized to appropriate money for agricultural work

SEC. 3. The regents of the University of California are hereby authorized and directed to appropriate, expend and use for the support and maintenance of the work of organizing and conducting said agricultural work the sum of thirty-one thousand two hundred and seventy-five dollars out of the amount appropriated for the support and maintenance of the college of agriculture of the University of California by the general appropriation bill passed at this legislative session. Said amount of thirty-one thousand two hundred and seventy-five dollars may be so expended by the regents of the University of California in one or more fiscal years.

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#### CHAPTER 245.

*An act to appropriate money for repairs and improvements at the Industrial Home for the Adult Blind.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation improvements, Industrial Home for Adult Blind

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements at the Industrial Home for the Adult Blind.

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#### CHAPTER 246.

*An act to appropriate money for furniture for the new dormitory building at the Industrial Home for the Adult Blind.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation furniture for dormitory, Industrial Home for Adult blind

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for furniture for the new dormitory building at the Industrial Home for the Adult Blind.

CHAPTER 247

*An act to appropriate money for repairs and improvements at the California School for the Deaf and the Blind.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of eight thousand five hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements at the California School for the Deaf and the Blind.

Appropriation improvements, California School for the Deaf and the Blind

CHAPTER 248.

*An act to appropriate money to install new electric wiring in the institution of the California School for the Deaf and the Blind.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to install new electric wiring in the institution of the California School for the Deaf and the Blind.

Appropriation electric wiring, California School for the Deaf and the Blind

CHAPTER 249.

*An act to appropriate money to provide the manual arts building of the California School for the Deaf and the Blind with fire escape equipment.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide the manual arts building of the California School for the Deaf and the Blind with fire escape equipment.

Appropriation fire escape, manual arts building, California School for the Deaf and the Blind

## CHAPTER 250.

*An act to appropriate money to develop and equip artesian wells and to connect the same with the water system of the California School for the Deaf and the Blind at the California School for the Deaf and the Blind.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

Appropriation artesian wells, California School for the Deaf and the Blind

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to develop and equip artesian wells and to connect the same with the water system of the California School for the Deaf and the Blind at the California School for the Deaf and the Blind.

## CHAPTER 251.

*An act to appropriate money for repairs and improvements at the California School for the Deaf and the Blind.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

Appropriation improvements, California School for the Deaf and the Blind

SECTION 1 The sum of four thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for repairs and improvements at the California School for the Deaf and the Blind.

## CHAPTER 252.

*An act to appropriate money to pay the claim of Martha O. Ullner against the State of California.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

Appropriation claim, Martha O. Ullner

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of Martha O. Ullner against the State of California and the board of state harbor commissioners is hereby authorized and directed to draw its draft in the amount named in favor of said claimant upon receiving from said Martha O. Ullner, widow of William Ullner, and all children of said decedent an acceptance of said amount in full satisfaction and compensation of all demands against the State of California or the board of state harbor commissioners.

CHAPTER 253.

*An act to repeal an act entitled "An act to amend section one of an act entitled 'An act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the national guard of California and the university cadets, called into service by order of the governor in the months of April, May, and June, 1906,' approved June 11, 1906."*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. Chapter four hundred twenty-eight of the Repealed statutes of 1907 is hereby repealed.

CHAPTER 254

*An act making an appropriation for the entertainment of the delegates to the convention of the National Guard Association of the United States, at its meeting in the city of San Francisco, California, during the year 1915, and the reception and entertainment of visiting military bodies, organizations, and delegations to the State of California upon the occasion of the Panama-Pacific International Exposition.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of ten thousand dollars for the purpose of entertaining the delegates to the convention of the National Guard Association of the United States to be held in the city of San Francisco, during the year nineteen hundred and fifteen, and the reception and entertainment of the visiting military bodies, organizations, and delegations, to the State of California upon the occasion of the Panama-Pacific International Exposition. The state controller is hereby authorized and directed to draw his warrant in favor of the adjutant general, State of California, for said sum of ten thousand dollars and the state treasurer is hereby directed to pay the same

Appropriation entertainment National Guard Association of United States

## CHAPTER 255.

*An act making an appropriation for the encampments and authorized parades of the national guard of California, and cruises and authorized parades of the naval militia of California.*

[Approved May 17, 1915. In effect immediately.]

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

Appropriation encampments, National Guard, cruises, naval militia

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of fifty thousand dollars, for the subsistence, supplies, transportation and other expenses incidental to the encampments and authorized parades of the national guard of California, and cruises and authorized parades of the naval militia of California. Claims against this appropriation will be audited and allowed by the adjutant general in the same manner as other military claims. The state controller is hereby authorized and directed to draw his warrants in favor of the person or persons authorized to receive the same, and the state treasurer is directed to pay the same.

Current expenses

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

## CHAPTER 256.

*An act making an appropriation to pay the claims against the State of California arising under the provisions of section 1 of article XXIII of the constitution of the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation claims, recall proceedings

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of seven thousand dollars to pay the claims against the State of California arising under the provisions of section 1 of article XXIII of the constitution of this state.

CHAPTER 257.

*An act to authorize the repayment to Mary Ann Bath, Carrie F. Stone, Alice B. Walker and John Thaddeus Bath, as heirs at law of John F. Bath, deceased, of moneys paid by said deceased in his life time to the State of California, for the purchase of certain indemnity or lieu land certificates, and which indemnity or lieu land certificates have been surrendered to the state, said moneys amounting to the sum of six hundred forty dollars, and for such purpose authorizing the state register to issue a certificate to said heirs of John F. Bath, deceased, for the amount so paid for said indemnity certificates, and authorizing the state controller to draw his warrant on the state treasurer for said sum, and authorizing the state treasurer to pay the same, said sum having heretofore been paid into the state school land fund.*

[Approved May 17, 1915 In effect August 8, 1915.]

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

Whereas heretofore, to wit: On the first day of May, 1911, John F. Bath did purchase from the State of California certain certificates of indemnity or scrip for which he paid to the State of California the sum of six hundred forty dollars; and whereas, on the eleventh day of November, 1912, the said certificates were surrendered and returned to the surveyor general, and certain lands selected in lieu thereof; and whereas under the provisions of section three thousand four hundred ninety-eight of the Political Code, the surveyor general of the State of California, did mail to said John F. Bath, notice of hearing for the purpose of approving or rejecting said application; and whereas said Bath died on the twenty-seventh day of January, 1913, and before the receipt by him of said notice; and whereas the said moneys have heretofore been paid into the state school land fund; and whereas, the estate of said John F. Bath has been probated by proceedings duly and regularly had and taken in the superior court of the county of Lassen, State of California, and the residue of said estate by judgment and decree of said court distributed to the said heirs of said Bath; and whereas said moneys so paid by said Bath are still retained in the school land fund, but that no sale of any school or other lands has been made to said Bath or his heirs or representatives, and no provision of law exists for the return of said moneys to said Bath or his representatives.

SECTION 1. The state register of the state land office is hereby authorized and directed to issue unto Mary Ann Bath, Carrie F. Stone, Alice B. Walker, and John Thaddeus Bath, as heirs at law and representatives of John F. Bath, deceased, a certificate showing the payment by said Bath of the sum of six hundred forty dollars to the State of California, for

Land  
certificates  
issued to  
Bath heirs

the purchase of indemnity certificates or scrip, and likewise showing the class of land upon which said payment was made, and the fund into which the same was deposited. Before the issuance of said certificate the said state register shall see that said certificates of indemnity or scrip are properly returned and cancelled. Upon the presentation of said certificate to the state controller the said state controller is authorized and directed to draw his warrant in favor of said heirs at law of said Bath upon the treasurer of the state, who is hereby authorized and directed to pay the same out of the funds into which the said money was paid.

#### CHAPTER 258.

*An act to appropriate money for the erection of additional buildings for the use of the naval militia of the State of California at San Diego, California*

[Approved May 17 1915. In effect August 8 1915.]

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

Appropriation additional buildings, naval militia, San Diego

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for the construction of an addition to the armory, a shop and boatways for the use of the third division of the naval militia of the State of California at San Diego, California

#### CHAPTER 259.

*An act appropriating money for the construction of a trail in the Sierra Nevada mountains to be known as the "John Muir trail."*

[Approved May 17, 1915 In effect August 8, 1915.]

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

Appropriation trail, Yosemite to Mt Whitney

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be used in accordance with law toward the construction of a trail in the high Sierra region of California and connecting the Yosemite National Park with Mt. Whitney and vicinity.

When available

SEC. 2. The moneys hereby appropriated are to be expended under the direction of the state department of engineering and of the sum hereby appropriated, five thousand dollars shall be made available immediately and five thousand dollars shall be made available April 1, 1916.

Designated "John Muir trail"

SEC. 3. The trail to be constructed with the moneys hereby appropriated shall be known as the "John Muir trail" in

honor of the late John Muir who has performed an inestimable service in making known to the world the wonders of the mountains of California.

CHAPTER 260.

*An act creating an advisory pardon board: defining and prescribing the powers and duties thereof: and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. An advisory pardon board of and for the State of California is hereby created, which shall consist of the lieutenant governor, who shall be the chairman of said board, the attorney general, and the wardens of the two state prisons. The board shall have and exercise the powers and duties hereinafter set forth and specified.

Advisory  
pardon  
board  
created

SEC. 2. The board shall have power to appoint a secretary, who shall hold office during its pleasure and who shall receive a salary of one hundred fifty dollars per month. The secretary shall keep a record, in which shall be entered all applications referred to the board, the name of each applicant, the date and place of his conviction, his sentence, his offense, and such other data as the board may direct, and a memorandum of the action taken by the board on each application. The secretary shall perform also such other duties as the board may require of him. The members of said board shall not receive any salary or compensation, but they and the secretary shall each be allowed all actual and necessary expenses incurred while traveling on the business of the board.

Board shall  
appoint  
secretary

Duties

No compen-  
sation for  
board

SEC. 3. The board shall meet at the state capitol at least once in every two months and at such other times as proper exercise of its functions may require. Upon request of the governor the board shall investigate and report on all applications for reprieves, pardons and commutations of sentence and shall make such recommendations to the governor with reference thereto as to it may seem advisable. To that end the said board shall examine and consider all applications so referred and all transcripts of judicial proceedings and all affidavits or other documents submitted in connection therewith, and shall have power to take testimony and to examine witnesses under oath and to do any and all things necessary to make a full and complete investigation of and concerning all applications referred to it. Members of said board and its secretary are, and each of them is, hereby authorized to administer oaths.

Meetings

Duties.

SEC. 4. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated, for the sixty-seventh and sixty-eighth fiscal years, the sum of five thousand dollars for carrying into effect the provisions of this act.

Appropriation

## CHAPTER 261.

*An act transferring money from the disputed title to lands on San Diego bay fund to the general fund of the State of California*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Transfer from  
disputed  
title to  
lands on  
San Diego  
bay fund

SECTION 1. The sum of five thousand eight hundred thirty-seven and sixty-nine hundredths dollars is hereby transferred from the disputed title to lands on San Diego bay fund to the general fund of the State of California.

## CHAPTER 262.

*An act to appropriate money for the construction of surface drains and to in other ways care for storm water at the California School for Girls located near Ventura.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation storm  
drains,  
California  
School for  
Girls.

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction of storm drains and in other ways to care for storm water at the California School for Girls near Ventura.

## CHAPTER 263.

*An act to appropriate money for equipment for the state treasurer's office.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
equipment,  
treasurer's  
office

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for vault fixtures, furniture, equipment, and other supplies for the state treasurer's office.

CHAPTER 264.

*An act appropriating money to pay the claim of James Edward Rogers against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of two hundred fourteen dollars and ninety cents (\$214.90) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of James Edward Rogers against the State of California for the expenses of the recreational inquiry committee in the preparation of the report of said recreational inquiry committee

Appropriation claim.  
James Edward Rogers

CHAPTER 265.

*An act appropriating money to pay the claim of Fred H. Figel against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of eight hundred sixty and eighty-three one-hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Fred H. Figel against the State of California.

Appropriation claim.  
Fred H Figel

CHAPTER 266

*An act to provide for the return to the owners thereof of any funds paid into the state treasury by any receiver in conformity with the provisions of section five hundred seventy of the Code of Civil Procedure; prescribing the procedure relative thereto; and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. From the moneys in the state treasury to the credit of the receiver's fund there is hereby appropriated the sum of four thousand nine hundred forty-nine dollars and twenty-four cents, to be used exclusively for the purpose of returning to the owner, or owners, thereof the amount of money belonging to any person, or persons, which has been heretofore, or shall hereafter be, paid into the state treasury by any receiver, or receivers, pursuant to the provisions of section five hundred seventy of the Code of Civil Procedure.

Appropriation from receiver's fund

Verified  
claim for  
money from  
receiver's  
fund

SEC. 2. The owner, or owners, of any such money, or moneys, shall present to the board of control a verified claim therefor, accompanied by all such data respecting the same as the board of control may require for its information. Such claim shall be audited by the board of control in the manner provided by law, and, if approved, shall be transmitted to the state controller, with such approval endorsed thereon. The controller shall thereupon draw his warrant upon the said receiver's fund in favor of such owner, or owners, for the amount so ascertained to belong to him, or them, and the state treasurer shall pay the same; *provided, however*, that the aggregate sum of all warrants so drawn and paid shall not exceed the amount by this act appropriated.

Unexpended  
balance  
reverts to  
receiver's  
fund

SEC. 3. Any balance of such appropriation remaining unexpended on the first day of September, A. D. 1917, shall, without farther action, revert to and become a part of the said receiver's fund.

#### CHAPTER 267.

*An act to provide for making restitution to the persons who are or may become entitled thereto in accordance with the provisions of sections three thousand four hundred eight d, three thousand five hundred seventy-one and three thousand five hundred seventy-two of the Political Code, of the principal sums by them, or by their respective predecessors in interest, paid to the State of California and thereafter deposited in the state treasury to the credit of the state school land fund pursuant to law, prescribing certain duties of the register of the state land office, the state controller and the state treasurer with respect thereto; and making an appropriation for such purpose.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation from  
state school  
land fund  
for making  
restitution.

SECTION 1. From the moneys in the state treasury to the credit of the state school land fund there is hereby appropriated the sum of twenty-five thousand dollars, to be used exclusively for the purpose of making restitution to the persons who are or may become entitled thereto, in accordance with the provisions of sections three thousand four hundred eight d, three thousand five hundred seventy-one and three thousand five hundred seventy-two of the Political Code, of the principal sums by them, or by their respective predecessors in interest, paid to the State of California and thereafter deposited in the state treasury to the credit of the state school land fund, pursuant to law

Register's  
certificate

SEC. 2. In addition to the matters now required by law to be recited in the certificate of the register of the state land office, provided for in section three thousand five hundred

seventy-one of the Political Code, he shall also incorporate in such certificate a statement showing what portion of the whole sum due to the claimant thereunder has been paid to the state on account of the purchase price of such land, or of such indemnity scrip, as the case may be, and what, if any, portion of such sum has been paid as interest upon the unpaid balance of the purchase price of such land.

SEC. 3. Upon delivery of any such certificate to the state controller, it shall be his duty to draw his warrant, in favor of the person therein named, upon the state school land fund for the amount of such purchase price, as set forth in said certificate, and the state treasurer shall pay the same; *provided, however,* that the aggregate sum of all warrants so drawn and paid shall not exceed the amount by this act appropriated

Controller's warrant

SEC. 4 Any balance of said appropriation remaining unexpended on the first day of September, A. D. 1917, shall, without further action, revert to and become a part of the state school land fund.

Unexpended balance reverts to state school land fund

CHAPTER 268.

*An act to provide for making restitution to the persons who are or may become entitled thereto, in accordance with the provisions of sections three thousand five hundred seventy-one and three thousand five hundred seventy-two of the Political Code, of the sums by them, or by their respective predecessors in interest, paid to the State of California as interest upon the unpaid balance of the purchase price of lands wrongfully sold, or to which the state is unable to pass title, and thereafter deposited in the state treasury to the credit of the state school fund pursuant to law; prescribing certain duties of the register of the state land office, the state controller and the state treasurer with respect thereto; and making an appropriation for such purpose.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. From the moneys in the state treasury to the credit of the state school fund there is hereby appropriated the sum of two thousand five hundred dollars, to be used exclusively for the purpose of making restitution to the persons who are or may become entitled thereto, in accordance with the provisions of sections three thousand five hundred seventy-one and three thousand five hundred seventy-two of the Political Code, of the sums by them, or by their respective predecessors in interest, paid to the State of California as interest upon the unpaid balance of the purchase price of lands wrongfully sold, or to which the state is unable to pass title, and thereafter deposited in the state treasury to the credit of the state school fund, pursuant to law.

Appropriation for restitution in case of state lands wrongfully sold

Statement  
of register.

SEC. 2. In addition to the matters now required by law to be recited in the certificate of the register of the state land office, provided for in section three thousand five hundred seventy-one of the Political Code, he shall also incorporate in such certificate a statement showing what portion of the whole sum due to the claimant thereunder has been paid to the state on account of the purchase price of such land, and what, if any, portion of such sum has been paid as interest upon the unpaid balance of the purchase price of such land.

Controller's  
warrant

SEC. 3. Upon delivery of any such certificate to the state controller, it shall be his duty to draw his warrant, in favor of the person therein named, upon the state school fund for the whole amount of such sums so paid as interest, as set forth in said certificate, and the state treasurer shall pay the same; *provided, however*, that the aggregate sum of all warrants so drawn and paid shall not exceed the amount by this act appropriated.

Balance

SEC. 4. Any balance of said appropriation remaining unexpended on the first day of September, A. D. 1917, shall, without further action, revert to and become a part of the state school fund.

## CHAPTER 269.

*An act to provide for the payment of awards of court, or judgments, rendered in conformity with the provisions of section twelve hundred and seventy-two of the Code of Civil Procedure, and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation from  
estates of  
deceased  
persons fund  
to pay  
claims to  
escheated  
estates.

SECTION 1. From the moneys in the state treasury to the credit of the estates of deceased persons fund there is hereby appropriated the sum of fifteen thousand dollars, to be used exclusively for the purpose of paying to the persons entitled thereto the amounts to them, respectively, awarded by any final order, award, or judgment, made, given or rendered by the court having jurisdiction of any proceeding, or action, instituted in conformity with the provisions of section twelve hundred seventy-two of the Code of Civil Procedure.

Controller's  
warrant.

SEC. 2. When any such order, award, or judgment has become final, a certified copy thereof shall be filed in the office of the state controller, who shall thereupon draw his warrant upon the said estates of deceased persons fund in favor of the person, or persons, entitled thereto, for the sum awarded to each, respectively, and the state treasurer shall pay the same, *provided, however*, that the aggregate sum of all warrants so drawn and paid shall not exceed the amount by this act appropriated

SEC. 3. Any balance of said appropriation remaining unexpended on the first day of September, A. D. 1917, shall, without further action, revert to and become a part of said estates of deceased persons fund.

Unexpended balance reverts to estates of deceased persons fund

CHAPTER 270.

*An act appropriating money to pay the claim of Ed Fletcher against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Ed Fletcher against the State of California.

Appropriation claim, Ed Fletcher

CHAPTER 271.

*An act to provide for the purchase of a portrait of former Lieutenant Governor A. J. Wallace, and to make an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The state board of control is hereby authorized to engage a competent artist to paint an oil portrait of former Lieutenant Governor A. J. Wallace, said portrait to be appropriately framed, at a price not to exceed five hundred dollars.

Portrait of former Lieutenant Governor A. J. Wallace

SEC. 2. The sum of five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Appropriation

CHAPTER 272.

*An act providing an appropriation for painting and exterior repair of the building on the capitol grounds occupied by the state printing plant.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of two thousand dollars to be expended in accordance with law in painting and in making such other exterior repairs as may be necessary on the building on the capitol grounds occupied by the state printing plant.

Appropriation painting, repairs, printing plant

## CHAPTER 273.

*An act making an appropriation for the construction of a cell building and wall and for other improvements at Folsom State Prison.*

[Approved May 17, 1915. In effect immediately.]

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

Appropriation cell building, walls, Folsom Prison

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of fifty thousand dollars, to be expended in accordance with law in the construction of a cell building and wall and in other improvements at Folsom State Prison. Of the moneys hereby appropriated the sum of twenty-five thousand dollars or so much thereof as may be necessary shall be available for maintenance and support incident to the construction work herein provided for.

Urgency.

SEC. 2. Inasmuch as the cell accommodations at Folsom State Prison are entirely inadequate to accommodate the constantly increasing number of inmates, the additional building for which provision is hereby made is declared to be necessary for the immediate preservation of the public peace and safety, and this act is hereby declared to be an urgency measure within the meaning of section 1 of article IV of the constitution.

## CHAPTER 274.

*An act to amend section one of an act entitled, "An act to amend section one of an act entitled 'An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885,' approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the 'revolving fund' provided for in said act,'" approved March 24, 1911.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

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

the 'revolving fund' provided for in said act," approved March 24, 1911, is hereby amended to read as follows:

Section 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide and maintain a permanent revolving fund to be used exclusively in payment for jute and other material to be used in the manufacturing departments in San Quentin State Prison. Said fund shall at all times contain the amount of two hundred thousand dollars either in cash or assets consisting of raw material and finished and unfinished products inventoried at cost, or both. Any cash surplus or balance existing by reason of the income from the sale of the products of said manufacturing departments shall be paid into the state treasury to the credit of the fund to be known as "The San Quentin prison fund" (which fund is hereby created) for the use and support of San Quentin prison and the trades and industries conducted therein.

Appropriation revolving fund for purchase of jute San Quentin Prison

"San Quentin Prison fund" created

CHAPTER 275.

*An act authorizing the governor to appoint a commission to investigate and report at the forty-second session of the legislature concerning the adoption of a system of social insurance and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915]

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

SECTION 1. The governor of California is hereby authorized and requested to appoint a commission consisting of five persons, citizens of this state, one of whom shall be a member of the state board of control, to investigate and consider the various systems of social insurance now in use in different counties of this or other states, and as may be proposed or as are now in operation in other states of the United States or in foreign countries, and to make a full and complete report of its findings with all data so obtained, properly tabulated, to the legislature at its next regular session. Said commission shall also report statistics showing the probable expense to the state of any system that it may recommend for adoption, together with any measures of its own relating to this subject that may be deemed expedient.

Commission to investigate social insurance

Report

SEC. 2. The said commission shall hold hearings in the principal cities of the state for the purpose of securing evidence as to the conditions which would have to be met in adopting for this state any system of social insurance. For the purposes of this investigation the commission shall have the power to subpoena witnesses and to enforce their attendance.

Hearings

Appropriation

SEC. 3. There is hereby appropriated out of the general fund, not otherwise appropriated, the sum of twenty thousand dollars, or any portion thereof, as may in the judgment of the commission be required to complete its work under the provisions of this act.

#### CHAPTER 276.

*An act re-appropriating the money appropriated to carry out the provisions of the water commission act, approved June 16, 1913, and making the same available for the purpose of said act during the sixty-seventh and sixty-eighth fiscal years.*

[Approved May 17, 1915. In effect July 1, 1915.]

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

Appropriation water commission

SECTION 1. The sum of fifty thousand dollars or whatever balance may be now remaining of an appropriation made by an act known as the water commission act, approved June 16th, 1913, is hereby re-appropriated and made available for the purpose of said act during the sixty-seventh and sixty-eighth fiscal years.

Current expenses

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution take effect July 1st, 1915.

#### CHAPTER 277.

*An act to appropriate money for purchase and installation of heating system at the California School for the Deaf and the Blind.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation heating system, California School for the Deaf and the Blind

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase and installation of a heating system at the California School for the Deaf and the Blind.

CHAPTER 278.

*An act to appropriate money to pay the claims of corporations, arising from exemptions under the provisions of section fourteen of article XIII of the constitution, for the return of corporation license tax erroneously collected.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of two hundred thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claims of corporations, arising from exemptions under the provisions of section fourteen of article XIII of the constitution, for the return of corporation license tax erroneously collected.

Appropriation return of corporation license taxes erroneously collected

CHAPTER 279.

*An act providing for the appointment of a commission to investigate and report at the forty-second session of the legislature relative to the adoption of a system of land colonization and rural credits, and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. On or before September 1, 1915, the governor shall appoint a commission of five members, citizens of this state, whose duty it shall be to investigate and consider the question of land colonization, and the various forms of land banks, co-operative credit unions, and other rural credit systems adopted or proposed in this country or elsewhere, with especial view to the needs of the rural communities of this state. On or before October 1, 1916, the said commission shall make and file with the governor a complete report of the findings of the commission, with all data so obtained properly tabulated and indexed, together with a draft of any proposed bills which it may recommend as proper for the consideration of the legislature as being adapted to the needs of this state.

Commission to investigate rural credits  
Report

SEC. 2. The members of the commission shall receive no compensation for their services, but shall be allowed their necessary actual traveling expenses, within and without the state, incurred in the discharge of their duties under the provisions of this act. The commission may appoint a secretary and such additional clerical assistants as may be necessary, and shall fix the compensation of each appointee.

No compensation

SEC. 3. There is hereby appropriated the sum of five thousand dollars, out of any money in the state treasury not otherwise appropriated, to be expended in accordance with law to carry out the provisions of this act.

Appropriation

## CHAPTER 280.

*An act to provide for the assessment, levy and collection of taxes for the support of the state government for the sixty-seventh and sixty-eighth fiscal years.*

[Approved May 17, 1915. In effect immediately.]

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

Assessment  
for support  
of state  
government

Sum to be  
raised for  
67th fiscal  
year.

When  
revenues  
deemed  
insufficient

Ad valorem  
rate to meet  
deficiency

SECTION 1 The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred fifteen, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions *a, b, c, and d*, of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of seventeen million seven hundred and ten thousand dollars for annual expenditure for the support of the state government for the sixty-seventh fiscal year, and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of seventeen million seven hundred and ten thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the sixty-seventh fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of seventeen million seven hundred and ten thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision *c* of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for the said sixty-seventh fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten, as, after allowing five per cent for delinquencies, will raise for said sixty-seventh fiscal year the amount of said deficiency.

SEC 2 The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred sixteen, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in

subdivisions *a, b, c, and d* of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of eighteen million six hundred thousand dollars for annual expenditure for the support of the state government for the sixty-eighth fiscal year; and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of eighteen million six hundred thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the sixty-eighth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of eighteen million six hundred thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision *e* of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for said sixty-eighth fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said sixty-eighth fiscal year, the amount of said deficiency.

Sum to be raised for 68th fiscal year.

When revenues deemed insufficient

Ad valorem rate to meet deficiency

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section fourteen of article thirteen of the constitution of this state, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred ten.

Tax to meet deficiency levied on what property

SEC. 4 This act, inasmuch as it provides for a tax levy for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

Current expenses

## CHAPTER 281.

*An act to appropriate money to pay the claim of Miller-Enwright Company against the State of California.*

[Approved May 17 1915. In effect August 8, 1915.]

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

Appropriation claim, Miller-Enwright Co

SECTION 1. The sum of four thousand three hundred and nine dollars and sixty-seven cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Miller-Enwright Company against the State of California for pipe and other material delivered to Southern California State Hospital for heating system.

## CHAPTER 282.

*An act making an appropriation to pay the claim of Charles A. Tuttle against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation claim, Charles A Tuttle

SECTION 1. The sum of three hundred dollars is hereby appropriated out of the money in the state treasury, not otherwise appropriated, to pay the claim of Charles A. Tuttle against the State of California.

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

## CHAPTER 283.

*An act to establish the Yolo and Lake highway; to define its course; to provide for its location and survey; and to make an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Yolo and Lake highway established

SECTION 1. A highway commencing at the town of Rumsey, in the county of Yolo, State of California, and following generally, the meanderings of Cache creek, along the most practical and feasible route, to the town of Lower Lake, in the county of Lake, State of California, and to be known as "Yolo and Lake highway," be and the same is hereby declared and established.

SEC. 2. That the said department of engineering is hereby authorized to locate the said highway, and to make the surveys and investigations necessary for such location, together with the estimates of cost, and make a report thereof to the governor of the State of California; that said department of engineering may make such variations in the location of said road as, in the opinion of said department, may be deemed advisable.

Department of engineering to locate and survey

SEC. 3. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three thousand (3,000) dollars, to be expended under the supervision of said department, for the location and survey of said highway, and the estimates of the cost thereof. The state controller is hereby directed to draw his warrants in such sums and at such times as the said engineer may present claims therefor, and the state treasurer is directed to pay the same.

Appropriation.

SEC. 4. That the state shall not be responsible for any sum other than the amount herein appropriated.

CHAPTER 284.

*An act making an appropriation to pay the claim of Miller & Lux, Incorporated, against the State of California.*

[Approved May 17, 1915. In effect immediately.]

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

SECTION 1. The sum of three thousand three hundred and seven dollars and six cents (\$3,307.06) is hereby appropriated from any money in the state treasury not otherwise appropriated to pay the claim of Miller & Lux, Incorporated, against the State of California upon a judgment recovered in the superior court of the State of California, in and for the city and county of San Francisco, in an action entitled "Las Animas and San Joaquin Land Company, Incorporated, (a corporation), plaintiff, vs. E. D. Roberts, state treasurer of the State of California, defendant," No. 40599, and heretofore assigned by said Las Animas and San Joaquin Land Company, Incorporated, to Miller & Lux, Incorporated, and the state controller is authorized and directed to draw his warrant for said amount in favor of Miller & Lux, Incorporated, and the state treasurer is hereby authorized and directed to pay the same.

Appropriation claim. Miller & Lux.

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

Current expenses

## CHAPTER 285.

*An act making an appropriation to pay the claim of Miller & Lux, Incorporated, against the State of California.*

[Approved May 17, 1915. In effect immediately.]

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

Appropriation claim  
Miller & Lux

SECTION 1. The sum of ten thousand three hundred and six dollars and forty-seven cents (\$10,306.47) is hereby appropriated from any money in the state treasury not otherwise appropriated to pay the claim of Miller & Lux, Incorporated, against the State of California upon a judgment recovered in the superior court of the State of California, in and for the city and county of San Francisco, in an action entitled "Miller & Lux, Incorporated (a corporation), plaintiff, vs. E. D. Roberts, state treasurer of the State of California, defendant," No. 47223, and the state controller is authorized and directed to draw his warrant for said amount in favor of Miller & Lux, Incorporated, and the state treasurer is hereby authorized and directed to pay the same.

Current expenses

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

## CHAPTER 286.

*An act making an appropriation to pay the claim of Miller & Lux, Incorporated, against the State of California.*

[Approved May 17, 1915. In effect immediately.]

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

Appropriation claim,  
Miller & Lux

SECTION 1. The sum of ten thousand three hundred and thirty-seven dollars and six cents (\$10,337.06) is hereby appropriated from any money in the state treasury not otherwise appropriated to pay the claim of Miller & Lux, Incorporated, against the State of California upon a judgment recovered in the superior court of the State of California, in and for the city and county of San Francisco, in an action entitled "Miller & Lux, Incorporated (a corporation), plaintiff, vs. E. D. Roberts, state treasurer of the State of California, defendant," No. 40600, and the state controller is authorized and directed to draw his warrant for said amount in favor of Miller & Lux, Incorporated, and the state treasurer is hereby authorized and directed to pay the same.

Current expenses

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

CHAPTER 287.

*An act making an appropriation to pay the claim of Miller & Lux, Incorporated, against the State of California.*

[Approved May 17, 1915. In effect immediately.]

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

SECTION 1. The sum of three thousand and sixty-one dollars and forty-seven cents (\$3,061.47) is hereby appropriated from any money in the state treasury not otherwise appropriated to pay the claim of Miller & Lux, Incorporated, against the State of California upon a judgment recovered in the superior court of the State of California, in and for the city and county of San Francisco, in an action entitled "Miller & Lux, Incorporated, substituted for Las Animas and San Joaquin Land Company, Incorporated (a corporation), plaintiff, vs. E. D. Roberts, state treasurer of the State of California, defendant." No. 47224, and the state controller is authorized and directed to draw his warrant for said amount in favor of Miller & Lux, Incorporated, and the state treasurer is hereby authorized and directed to pay the same.

Appropriation claim, Miller & Lux

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

Current expenses.

CHAPTER 288.

*An act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of constructing and maintaining fire lanes and fire trails to protect the timber now standing or that may be planted upon the San Bernardino mountains, in the State of California.

Appropriation, the lanes, San Bernardino mountains

SEC. 2. The state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of constructing and maintaining fire lanes and fire trails specified in section one of this act: *provided, however*, that these expenditures shall not be in excess of the amount or amounts to be expended by the forest service of the federal government

Board of control to contract with U S forest service

in collaboration with the specific work named above; *and provided, further*, that in case the forest service above mentioned does not contribute the fund for said co-operation, that the state board of control shall not have power to enter into such contract or contracts with the said forest service for the expenditure of the said money.

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CHAPTER 289.

*An act appropriating money to pay the claim of W. H. Carlin against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation claim,  
W. H. Carlin

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of W. H. Carlin against the State of California and the state controller is hereby directed to draw his warrant in favor of W. H. Carlin for said sum of fifteen hundred dollars and the state treasurer is hereby directed to pay the same.

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CHAPTER 290.

*An act appropriating money to provide a permanent water supply for the California Polytechnic School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation water supply,  
California Polytechnic School.

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used to provide a permanent water supply for the California Polytechnic School by acquiring property and property rights, and for the construction of a dam, reservoir, and necessary pipe lines and other appurtenances.

CHAPTER 291.

*An act appropriating money for repairs and improvements to buildings and equipment at the California Polytechnic School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements to buildings, structures and equipment at the California Polytechnic School.

Appropriation improvements, California Polytechnic School

CHAPTER 292.

*An act to provide for improvements, repairs and furnishings for the buildings and grounds of the Woman's Relief Corps Home located at Evergreen, Santa Clara county, and to appropriate money therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in accordance with law, for necessary repairs, improvements and furnishings for the buildings and grounds of the Woman's Relief Corps Home at Evergreen, Santa Clara county.

Appropriation improvements, Woman's Relief Corps Home

CHAPTER 293.

*An act to provide for nurses and medical attendants for the inmates of the Woman's Relief Corps Home located at Evergreen, Santa Clara county, and to appropriate money therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in accordance with law, in providing trained nurses, when necessary, or practical nurses, and skilled medical attendants for the inmates of the Woman's Relief Corps Home at Evergreen, Santa Clara county.

Appropriation nurses, Woman's Relief Corps Home

## CHAPTER 294.

*An act to appropriate money for repairs and alterations to main buildings Santa Barbara State Normal School of Manual Arts and Home Economics.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation repairs, Santa Barbara Normal

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expense of repairs and alterations to the main buildings at Santa Barbara State Normal School of Manual Arts and Home Economics.

## CHAPTER 295.

*An act to appropriate money to pay the expense of improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics, including grading, installation of sewer, gas and water mains and conduits.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation grading, sewer mains, etc., Santa Barbara Normal

SECTION 1. The sum of six thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expense of improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics, including grading, installation of sewer, gas and water mains and conduits.

## CHAPTER 296.

*An act to appropriate money for the construction and furnishing of a girls' nursery building at the Sonoma State Home.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation girls' nursery, Sonoma State Home

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of a girls' nursery building at the Sonoma State Home.

CHAPTER 297.

*An act to appropriate money for water and steam piping and plumbing repairs at the Sonoma State Home.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of sixteen thousand seven hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for water and steam piping and plumbing repairs at the Sonoma State Home.

Appropriation plumbing, Sonoma State Home

CHAPTER 298.

*An act appropriating money to pay claim of Bryant & May, Limited, against the State of California.*

[Approved May 17, 1915. In effect immediately.]

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

SECTION 1. The sum of three hundred nine dollars and fifty cents (\$309.50) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Bryant & May, Limited, by virtue of judgment rendered therefor in the superior court of the State of California, in and for the city and county of San Francisco, in the case of Bryant & May, Limited, plaintiff, vs. E. D. Roberts, state treasurer of the State of California, defendant, for the return of taxes erroneously assessed and collected by the State of California.

Appropriation claim, Bryant & May

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1. of article IV. of the constitution of the State of California, take effect immediately.

Current expenses

CHAPTER 299.

*An act appropriating money for the construction of a machinery building at the Santa Barbara State Normal School of Manual Arts and Home Economics.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and equipment of a machinery building to be erected on the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Appropriation machinery building, Santa Barbara Normal

CHAPTER 300.

*An act to appropriate money for the construction of farm buildings at the Stockton State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation farm buildings, Stockton Hospital.

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of farm buildings at the Stockton State Hospital.

CHAPTER 301.

*An act to appropriate money for repairs and improvements and erection of small buildings at the Preston School of Industry.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation buildings, Preston School of Industry.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements and erection of small buildings at the Preston School of Industry.

CHAPTER 302.

*An act to establish free employment bureaus under the control and management of the commissioner of the bureau of labor statistics, and making an appropriation therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Free employment bureaus established

SECTION 1. The commissioner of the bureau of labor statistics, hereinafter called "commissioner," shall establish free employment bureaus in the cities of San Francisco, Los Angeles, Oakland and Sacramento, and thereafter, whenever he deems it necessary, in other cities and towns

Offices, etc.

SEC. 2. The commissioner shall procure, by lease or otherwise, suitable offices; incur the necessary expenses in the conduct thereof; appoint the necessary officers, assistants and clerks, and fix the compensation therefor; and promulgate

rules and regulations for the conduct of free employment bureaus in order to carry out the purposes of this act.

SEC. 3. There is hereby appropriated out of the moneys of the state treasury, not otherwise appropriated, the sum of fifty thousand dollars, to be used by the commissioner in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commissioner, for the amounts expended under his direction, and the treasurer is hereby authorized and directed to pay the same.

Appropriation.

CHAPTER 303.

*An act appropriating the sum of four thousand dollars for the construction of buildings on the lands of the agricultural experiment station of the University of California in the county of Imperial.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of buildings on the lands of the agricultural experiment station of the University of California in the county of Imperial.

Appropriation agricultural experiment station in Imperial Co

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the regents of the University of California for the sum so appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 304.

*An act authorizing the establishment of a cash revolving fund for the department of engineering and defining its use.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. Out of the moneys in the "state highway fund," created by the "state highways act," approved March 22, 1909, the state controller, upon the demands of the advisory board of the department of engineering, audited by the state board of control, without receipts, vouchers or itemized statements at the time being required, shall draw his warrants in such sums as such advisory board of the department of engineering may specify, to create a cash revolving fund to be used in advancing cash payments for such expenditures as

State highway revolving fund

are necessary and proper to carry out the provisions of said "state highways act," such expenditures, evidenced by proper receipts, vouchers or itemized statements, to be subsequently paid for out of the said "state highway fund" and the money returned to the cash revolving fund; but the amount in such cash revolving fund shall at no time exceed one hundred thousand dollars.

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CHAPTER 305.

*An act to appropriate money for plumbing repairs at the Mendocino State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
plumbing,  
Mendocino  
Hospital

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for plumbing repairs at the Mendocino State Hospital.

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CHAPTER 306.

*An act to appropriate money to purchase a portion of the Great Sierra Wagon Road and to provide for the acceptance and maintenance of said road as a state road.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
Tioga  
Road.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars for the purchase of that portion of the Great Sierra Wagon Road, better known as the "Tioga Road," lying without the boundary of the Yosemite National Park, approximately seven miles in length; *provided*, that the portion of the said "Tioga Road" lying within the Yosemite National Park is taken over by the national government and the maintenance therefor is provided for.

Engineering  
dept to  
purchase.

SEC. 2 The state department of engineering through the state engineer is hereby authorized and directed to negotiate and complete the purchase of said portion of said Great Sierra Wagon Road, and on behalf of the State of California to accept the deed for the same from the owners thereof, and to secure from the boards of supervisors of Tuolumne and Mono counties such orders as may be necessary to vacate any orders previously made by said boards relative to any franchise or grant made for said road. Upon the acceptance of said deed the said department of engineering shall improve and maintain

said road as a state road and any expense incurred after the date of the acceptance of said deed shall be a proper charge against any money in the state treasury appropriated for the improvement and maintenance of state roads.

SEC. 3. The state controller is hereby directed to draw his warrants on order and as directed by the state engineer for the sum named, and the state treasurer is directed to pay the same, for the purchase of the above named road.

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CHAPTER 307.

*An act to appropriate money for the development of water including the installation of pumping station and mains at the Southern California State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the development of water, including the installation of pumping station and mains at the Southern California State Hospital.

Appropriation water, Southern California Hospital

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CHAPTER 308.

*An act appropriating the sum of forty thousand dollars for the support and maintenance of university extension work by the University of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of forty thousand dollars is hereby appropriated for the support and maintenance of university extension work by the University of California out of any moneys in the state treasury not otherwise appropriated.

Appropriation extension work, University of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the regents of the University of California for the sum so appropriated, and the state treasurer is hereby directed to pay the same.

## CHAPTER 309.

*An act to appropriate money for wiring for electricity at the Stockton State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation wiring, Stockton Hospital.

SECTION 1. The sum of ten thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for wiring for electricity at the Stockton State Hospital.

## CHAPTER 310.

*An act to appropriate money for the construction and furnishing of a cottage for males at the Stockton State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation cottage, Stockton Hospital

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of a cottage for males at the Stockton State Hospital.

## CHAPTER 311.

*An act to appropriate money for the construction of farm buildings at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation farm buildings, Folsom.

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of farm buildings at the state prison at Folsom.

## CHAPTER 312.

*An act to appropriate money for the purchase and installation of refrigerating plant at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation refrigerating plant, Folsom

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase and installation of refrigerating plant at the state prison at Folsom.

CHAPTER 313.

*An act to appropriate money for the expense of purchasing and installing new bake oven at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the expense of purchasing and installing new bake oven at the state prison at Folsom. Appropriation bake oven, Folsom

CHAPTER 314.

*An act to appropriate money for furnishing and decorating the warden's residence at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for furnishing and decorating the warden's residence at the state prison at Folsom. Appropriation decorating, Folsom

CHAPTER 315.

*An act to appropriate money for reconstruction of electrical equipment connected with the power house at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of thirty-one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the reconstruction of electrical equipment connected with the power house at the state prison at Folsom. Appropriation electrical equipment, Folsom.

## CHAPTER 316.

*An act to appropriate money for repairs and improvements at the state prison at Folsom.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
repairs,  
Folsom

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements at the state prison at Folsom.

## CHAPTER 317.

*An act to appropriate money for repairs, improvements and equipment at the Whittier State School.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
repairs,  
Whittier  
State  
School

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs, improvements and equipment at the Whittier State School.

## CHAPTER 318.

*An act to appropriate money for the construction and furnishing of two typical cottages and one receiving building at the California School for Girls located near Ventura.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
cottages,  
School for  
Girls

SECTION 1. The sum of fifty-two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of two typical cottages and one receiving building at the California School for Girls located near Ventura.

CHAPTER 319.

*An act to appropriate money for the construction of garage and tool house at the California School for Girls located near Ventura.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of a garage and tool house at the California School for Girls, located near Ventura.

Appropriation garage, School for Girls

CHAPTER 320.

*An act to appropriate money for the improvement of grounds and purchase of necessary equipment therefor at the California School for Girls near Ventura.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the improvement of grounds and the purchase of necessary equipment therefor at the California School for Girls near Ventura.

Appropriation improvements, School for Girls

CHAPTER 321.

*An act to provide for marking off and setting apart a portion of the Stockton State Hospital grounds for a site upon which to construct an armory; to provide for the conveyance and transfer of the lands comprising said proposed site by said corporation through its proper officers, board of managers or their successors as trustees of such property, to the State of California; to provide for the control and management thereof; to provide for the construction and erection of an armory and drill hall thereon, and appropriating money therefor.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. A portion of the Stockton State Hospital grounds described as being a portion of that piece or parcel of land lying in and adjoining the corporation of Stockton,

Stockton Hospital grounds set aside for armory

and which portion is more particularly described as follows, to wit:

“Commencing for a point of beginning at a point bearing south 78° 15′ west distant eighty (80) feet from the city of Stockton’s northeastern corner as said corner existed at the date of and is described in that certain deed dated January 13, 1854, wherein C. M. Weber is first party, and Nelson Taylor et al. trustees of the insane asylum of California, are the second parties, and which said deed was and is recorded in book ‘A’ of deeds, vol. 5, page 108, San Joaquin county records, and running thence north 11° 45′ west 5.45 chains (360 feet) to a stake; thence north 78° 15′ east 5.80 chains (382 feet) to a stake; thence north 11° 45′ west 32 chains (2,100 feet) to a stake; thence south 78° 15′ west 27.76 chains (1,830 feet) to a stake; which is taken from the point of beginning and is at the northwestern corner of the lands described in said deed; thence running along the westerly boundary of said lands south 11° 45′ east one hundred seventy-five (175) feet; thence running north 78° 15′ east and parallel with the northerly boundary line of said lands five hundred (500) feet; thence north 11° 45′ west and parallel with the westerly boundary line of said lands a distance of one hundred seventy-five (175) feet to a point in the northerly boundary line of said lands; thence running south 78° 15′ west along the northerly boundary line of said lands five hundred (500) feet to the point of beginning and containing two acres more or less,” is hereby set apart for a site upon which to construct and equip an armory and drill hall at Stockton, for the National Guard of California.

Hospital  
authorized  
to execute  
deed

SEC. 2. The Stockton State Hospital, a corporation, is hereby authorized and directed to forthwith execute by and through its proper officers and board of managers or their successors as trustees of such property, a good and sufficient deed conveying said armory and drill hall site hereinbefore described to the State of California, and to deliver the same to the secretary of state. The National Guard of California shall hereafter, through its proper officers, exercise exclusive and complete control over said site and have the management thereof. The officers and board of managers of said Stockton State Hospital, a corporation, and their successors shall take such action as shall be necessary to effect the conveyance and transfer of said armory and drill hall site as herein provided.

Engineering  
department  
to construct  
building

SEC. 3. The department of engineering of the State of California shall forthwith cause said armory and drill hall site to be surveyed and marked off and shall immediately proceed in the manner provided by law to construct and equip or cause to be constructed and equipped on said site, a suitable armory and drill hall for the use of the National Guard of California, which said building shall be of such size and arrangement as shall in the judgment of said department of engineering be deemed best; *provided, however*, that said building shall have constructed therein a drill floor not less

than one hundred feet in length and not less than seventy-five feet in width.

SEC. 4. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in accordance with law for the purposes of this act. Appropriation.

CHAPTER 322.

*An act to appropriate money for repairs and improvements at the state prison at San Quentin.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of thirty-two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for repairs and improvements at the state prison at San Quentin. Appropriation improvements, San Quentin Prison

CHAPTER 323.

*An act to appropriate money to pay the deficiency in the appropriation for printing and distributing constitutional amendments for the sixty-fifth and sixty-sixth fiscal years.*

[Approved May 17, 1915. In effect immediately.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for printing and distributing constitutional amendments for the sixty-fifth and sixty-sixth fiscal years. Appropriation deficiency, printing constitutional amendments

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

CHAPTER 324.

*An act to appropriate money for the construction and furnishing of a cottage for women patients at the Napa State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of a cottage for women patients at the Napa State Hospital. Appropriation cottage for women, Napa Hospital

## CHAPTER 325.

*An act to appropriate money for the construction and furnishing of a cottage for men patients at the Napa State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
cottage  
for men,  
Napa  
Hospital

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of a cottage for men patients at the Napa State Hospital.

## CHAPTER 326.

*An act to appropriate money for the construction and equipment of a building or buildings as a home for workmen on what is known as the Smith-Brown ranch belonging to the Napa State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
home  
for workmen  
Smith-Brown  
ranch,  
Napa  
Hospital

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and equipment of a building or buildings as a home for workmen on what is known as the Smith-Brown ranch belonging to the Napa State Hospital.

## CHAPTER 327.

*An act to appropriate money for remodeling south pay cottage at the Napa State Hospital.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

Appropriation  
remodeling  
south pay  
cottage,  
Napa  
Hospital

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for remodeling the south pay cottage at the Napa State Hospital.

CHAPTER 328.

*An act appropriating money to pay the claim of the Lake Tahoe Railway and Transportation Company against the State of California.*

[Approved May 17, 1915. In effect August 8, 1915.]

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

SECTION 1 The sum of four thousand one hundred and thirty-three and 55/100 dollars (\$4,133.55) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Lake Tahoe Railway and Transportation Company against the State of California. and the state controller is hereby directed to draw his warrant in favor of Lake Tahoe Railway and Transportation Company for said sum of four thousand one hundred and thirty-three and 55/100 dollars (\$4,133.55), and the state treasurer is hereby directed to pay the same.

Appropriation claim. Lake Tahoe Railway and Transportation Company

CHAPTER 329.

*An act to amend an act entitled "An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty for the violation thereof," approved May 29, 1913, and making an appropriation to carry out the provisions hereof.*

[Approved May 18, 1915. In effect August 8, 1915 ]

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

SECTION 1. An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty for the violation thereof, approved May 29, 1913, is hereby amended to read as follows:

Sec. 1. In or at any camp where five or more persons are employed, the bunkhouses, tents and other sleeping places of such employees shall be kept in a cleanly state, and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunkhouses, tents or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage, and other deleterious matter.

Camps to be kept clean

Sec. 2. Every bunkhouse, tent or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp, shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunkhouse,

Air space for bunkhouses

Construction of bunk. tent or other sleeping place. The bunks or beds shall be made of iron, canvas or other sanitary material and shall be so constructed as to afford reasonable comfort to the persons occupying such bunks or beds.

Kitchen, etc., to be kept clean. Sec. 3. Every mess house, dining room, mess tent, dining tent, kitchen, or other structure where food is cooked, prepared or served in such camp shall be kept in a clean and sanitary state and the openings of such structures shall be screened.

Toilet facilities. Sec. 4. For every such camp there shall be provided convenient and suitable privy or other toilet facilities, which shall be kept in a clean and sanitary state. A privy other than a water closet shall consist of a pit at least two feet deep, with suitable shelter over the same and the openings of the shelter and pit shall be enclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than one foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime, or other similar substance.

Garbage disposal. Sec. 5. All garbage, kitchen wastes and other rubbish in such camp shall be deposited in suitable covered receptacles which shall be emptied daily or oftener if necessary, and the contents burned, buried or otherwise disposed of in such a way as not to be or become offensive or insanitary.

Duty of employers. Sec. 6. It shall be the duty of any person, firm, corporation, agent or officer of a firm or corporation employing persons to work in or at camps to which the provisions of this act apply and the superintendent or overseer in charge of the work in or at such camps to carry out the provisions of this act.

Commission of immigration and housing to administer act. Sec. 7. The commission of immigration and housing of California shall administer this act and secure the enforcement of the provisions thereof, and for such purposes shall have the right to enter and inspect all camps to which the provisions of this act apply. Any camp coming under the provisions of this act which does not conform to the provisions of this act is hereby declared a public nuisance and if not made to so conform within five days, or within such longer period of time as may be allowed by the commission of immigration and housing of California, after written notice given by the said commission, shall be abated by proper action brought for that purpose in the superior court of the county in which such camp, or the greater portion thereof, is situated.

Violation of provisions. Sec. 8. Any person, firm, corporation, agent or officer of a firm or corporation, or any superintendent or overseer in charge of the work in or at any camp coming under the provisions of this act, who shall violate or fail to comply with the provisions of this act, is guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Penalty. SEC. 2. Out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars or so much

Appropriation

thereof as may be necessary is hereby appropriated to be expended by the commission of immigration and housing of California in accordance with law to carry out the provisions of this act.

CHAPTER 330.

*An act to amend section three thousand eight hundred seventy-six of the Political Code, relating to allowance expenses to county treasurers in settlements with the state, and making an appropriation therefor.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

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

3876. The county treasurer in the settlement shall receive from the state his actual expenses necessarily incurred in making the trip from the county seat to Sacramento and return to the county seat. The sum of seven thousand five hundred dollars is hereby continuously appropriated from the state treasury for each fiscal year to carry out the provisions of this section. The controller is hereby authorized to draw his warrant in favor of the respective county treasurers on consummation of the settlement with the state and the treasurer of state is directed to pay the same.

Expenses of county treasurer.

Continuous appropriation

CHAPTER 331.

*An act to appropriate money to pay the claim of the Westinghouse Electric and Manufacturing Company upon a judgment rendered against the State of California.*

[Approved May 18, 1915. In effect immediately.]

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

SECTION 1. The sum of two thousand seven hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the Westinghouse Electric and Manufacturing Company, upon a judgment rendered against the State of California in the case of the Westinghouse Electric and Manufacturing Company vs. E. D. Roberts, as treasurer of the State of California, the same being for corporation franchise tax illegally assessed and collected.

Appropriation, claim, Westinghouse Electric and Manufacturing Company

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

Current expenses

## CHAPTER 332.

*An act to appropriate money to pay the claim of the Matson Navigation Company upon a judgment rendered against the State of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation claim, Matson Navigation Company.

SECTION 1. The sum of two thousand four hundred thirteen dollars and thirty-three cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Matson Navigation Company, upon a judgment rendered against the State of California in the case of Matson Navigation Company (a corporation) *vs.* E. D. Roberts, as treasurer of the State of California the same being for corporation franchise tax illegally assessed and collected.

## CHAPTER 333.

*An act to appropriate money to pay the claim of the Clark & Henery Construction Company against the State of California for street work fronting the state armory in the city of Sacramento.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation claim, Clark & Henery Construction Company.

SECTION 1. The sum of one thousand eleven dollars and twenty-five cents, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of Clark & Henery Construction Company against the State of California for street work fronting the state armory in the city of Sacramento.

## CHAPTER 334.

*An act to appropriate money to pay the claim of C. S. Baldwin against the State of California for cost in foreclosing swamp lands.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation claim, C S Baldwin.

SECTION 1. The sum of thirty-nine dollars and eighty-four cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of C. S. Baldwin, district attorney of Modoc county, against the

State of California, for the costs in the foreclosure of swamp lands, in accordance with the provisions of section 3555 of the Political Code.

CHAPTER 335.

*An act to appropriate money to pay the deficiency in the appropriation for traveling expense for the state board of agriculture in the sixty-second fiscal year.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of one hundred forty-five dollars and eighty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay a deficiency in the appropriation for traveling expense of state board of agriculture in the sixty-second fiscal year.

Appropriation deficiency, traveling expenses board of agriculture

CHAPTER 336.

*An act appropriating the sum of thirteen thousand dollars to defray the expenses, during the sixty-seventh and sixty-eighth fiscal years, of organizing, controlling, equipping, instructing and maintaining high school cadet companies in the State of California, and for promoting rifle practice in said companies and to further carry out the purposes of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of thirteen thousand dollars is hereby appropriated from funds in the state treasury, not otherwise appropriated, to defray the expenses, during the sixty-seventh and sixty-eighth fiscal years, of organizing, controlling, instructing, equipping, and maintaining high school cadet companies in the State of California, and promoting rifle practice in said high school cadet companies, and to further carry out the purposes of an act of the legislature of the State of California entitled "An act to provide for the organization, control and equipment of high school cadet companies and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911.

Appropriation: high school cadets.

## CHAPTER 337.

*An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purposes.*

[Approved May 18, 1915. In effect July 1, 1915.]

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

Appropriation.  
prevention  
contagious  
diseases

Expenditures

Emergency

Vouchers.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera, bubonic plague, smallpox or other contagious or infectious disease into this state, and for their investigation and suppression in case of their origin or introduction. The claims for such expenditures must be audited by the board of control, except that when, in the opinion of the governor, an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant in the name of the governor without such audit, on account of the sum hereby appropriated, upon the order of the governor, in such sums, from time to time, not exceeding one thousand dollars at any one time, as he may direct. In cases where sums are so drawn upon the order of the governor, without audit by the board of control, vouchers must be thereafter filed with the controller, showing the manner and the purposes for which such sums have been expended. Such portion of the sum provided by this section as may be deemed advisable by the state board of health and approved by the governor, may be used in accordance with the provisions of this section and section two of "An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved June 7, 1913; *provided*, that all expenditures connected therewith shall be audited by the board of control and paid in accordance with the provisions of this act.

Current  
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section one of article IV of the constitution of the State of California, take effect July 1, 1915.

CHAPTER 338.

*An act to appropriate money to pay the claim of Los Angeles county against the State of California for the support of orphans, half-orphans and abandoned children in the sixty-second fiscal year.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of ninety-one dollars and three cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Los Angeles county against the State of California for the support of orphans, half-orphans and abandoned children in the sixty-second fiscal year.

Appropriation; claim, Los Angeles county; support of orphans.

CHAPTER 339.

*An act to appropriate money to continue in effect "An act to authorize the state board of prison directors to provide for assisting paroled and discharged prisoners and to secure employment for the same and making an appropriation for that purpose," approved June 14, 1913.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to continue in effect "An act to authorize the state board of prison directors to provide for assisting paroled and discharged prisoners and to secure employment for the same and making an appropriation for that purpose," approved June 14, 1913, and to be used in accordance with the act.

Appropriation; assistance, paroled and discharged prisoners

CHAPTER 340

*An act making an appropriation to pay for auto truck and equipment therefor for the state printing office.*

[Approved May 18, 1915. In effect immediately.]

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

SECTION 1. The sum of one thousand and twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for one auto truck and equipment

Appropriation, auto truck, printing office.

therefor to be purchased by the superintendent of state printing for the state printing office.

Current  
expenses.

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

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#### CHAPTER 341.

*An act appropriating money for the purpose of insuring the state printing plant.*

[Approved May 18, 1915. In effect immediately.]

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

Appropriation,  
insurance,  
printing  
plant.

SECTION 1. The sum of two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid according to law to the superintendent of state printing for the purpose of insuring the state printing plant.

Current  
expenses

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

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#### CHAPTER 342.

*An act to appropriate money to pay the claim of the Des Moines Bridge and Iron Company against the State of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation claim,  
Des Moines  
Bridge and  
Iron  
Company.

SECTION 1. The sum of five hundred forty dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Des Moines Bridge and Iron Company against the State of California for balance due upon a contract to furnish steel for and construct and install a water tower and tank on the grounds of the state hospital at Stockton.

CHAPTER 343.

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

[Approved May 18, 1915 In effect—see sections 1. 4.]

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

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which shall be available July 1, 1915, for accomplishment of the work of the direct improvement of navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army for the fiscal year ending June 30, 1907.

Appropriation improvement, Sacramento, San Joaquin and Feather rivers

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

Governor to have charge of expenditures

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

One-half of contract to be paid by state.

SEC. 4. This act shall become operative only upon condition that the government of the United States shall, under, by and through the war department, assume full charge and control

Act becomes operative if government undertakes work

of all work to be done as provided by this act, and also upon condition that a like sum of two hundred fifty thousand dollars be appropriated by the United States for such work.

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

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#### CHAPTER 344.

*An act to appropriate money for the purchase of machinery and equipment for the state printing plant.*

[Approved May 18, 1915. In effect August 3, 1915.]

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

Appropriation:  
machinery,  
printing  
plant

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purchase of machinery and equipment for the state printing plant.

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#### CHAPTER 345.

*An act to appropriate money to meet the expenses of compiling, printing and distributing constitutional amendments.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation:  
printing, etc.,  
constitutional  
amendments.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, for the compilation, printing and distribution of constitutional amendments to be submitted to the people during the sixty-seventh and sixty-eighth fiscal years.

CHAPTER 346.

*An act to appropriate money to pay the claim of Mrs. S. L. Bee against the State of California for interest on Indian war bonds.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of two thousand five hundred nineteen dollars and eighty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Mrs. S. L. Bee against the State of California for unpaid interest on Indian war bonds issued under the act of 1852. Said money shall be subject to payment only upon the surrender of the coupons outstanding and forming the basis of this claim.

Appropriation claim Mrs. S. L. Bee

CHAPTER 347.

*An act to appropriate money to pay the funeral expenses of the late controller, Alfred B. Nye.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of one thousand seventy-seven dollars fifty cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the funeral expenses of the late controller, Alfred B. Nye, such expense to said amount having been approved by the state board of control.

Appropriation funeral expenses, Alfred B. Nye

CHAPTER 348.

*An act appropriating money to pay the claim of the San Joaquin Light and Power Corporation against the State of California.*

[Approved May 18, 1915. In effect immediately.]

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

SECTION 1. The sum of one thousand three hundred one dollars and forty-three cents (\$1,301.43) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the San Joaquin Light and Power Corporation for the return of taxes erroneously assessed and collected by the State of California.

Appropriation claim, San Joaquin Light and Power Company.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under

Current expenses

the provisions of section one of article IV of the constitution of the State of California, take effect immediately.

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CHAPTER 349.

*An act making an appropriation to pay the claim of Daisy M. Drewry against the State of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation: claim, Daisy M. Drewry.

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of three thousand one hundred and twenty dollars to pay the claim of Daisy M. Drewry against the State of California.

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CHAPTER 350.

*An act to appropriate money to construct and furnish two cottages for physicians at the Stockton State Hospital.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation: physicians' cottages, Stockton hospital

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to construct and furnish two cottages for physicians at the Stockton State Hospital.

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CHAPTER 351.

*An act to create a state purchasing department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

State purchasing department created.

SECTION 1. There is hereby created, of and for the State of California, a department to be known as the state purchasing department. Said department shall be in charge of a state officer to be known as the state purchasing agent. He shall be appointed by the governor and shall hold office at the

pleasure of the governor. He shall be a civil executive officer. He shall execute to the people of the state a bond in the penal sum of ten thousand dollars for the faithful discharge of the duties of his office. He shall receive a salary of four thousand dollars per annum.

SEC. 2. The state purchasing agent shall, under the restrictions of this act, have full and sole power and authority and it shall be his duty upon approval of the state board of control to contract for and purchase or direct and supervise the purchase of all supplies of whatever nature necessary for the proper transaction of the business of each and every state department, commission, board, institution, or official. For the purpose of making such purchases and contracts the state purchasing agent shall be and is hereby made the purchasing agent of and for each and every state department, commission, board, institution and official. All appropriations or funds of the state university or funds that are now or may hereafter be exempted from the provisions of section 672 of the Political Code shall be exempt from the operation of this act, and where the best interests of the state demand, any purchase or contract against any other appropriation or fund may be exempted from the jurisdiction of the state purchasing department by the unanimous vote of the state board of control.

Powers and duties.

SEC. 3. The state purchasing agent shall have the power and authority, subject to the approval of the state board of control, to maintain warehouses, and to rent or lease, or construct the same, and to issue such rules and regulations as may be necessary for the proper and economical conduct of the business of the state purchasing department.

Warehouses.

SEC. 4. An estimate or requisition approved by the department, commission, board or state official in control of the appropriation or fund against which such contract and purchase is to be charged, shall be full authority for any contract and any purchase made by the state purchasing agent, provided such contract and such purchase shall have first met the approval of the state board of control before being made.

Power to contract.

SEC. 5. All valid claims on account of such contracts and purchases negotiated by the state purchasing agent shall be audited and paid from the sums severally set aside for the use of the state purchasing department by the contract and purchase estimate or requisition upon the sworn statement of the executive officer of the department, commission, board, or institution, or the state official in control of the appropriation or fund, together with the sworn statement of the state purchasing department, and said sworn statements of said executive officer and state purchasing department, after approval by the state board of control, shall be full and sufficient authority for the controller to draw his warrant and the treasurer to pay the same against any appropriation or fund in the treasury available for the purpose of any such contract and purchase.

Claims.

Assistants.

SEC. 6. The state purchasing agent shall have the power to appoint one assistant state purchasing agent at an annual salary of three thousand dollars who shall be a civil executive officer, and one state testing engineer at an annual salary of twenty-seven hundred dollars. The state purchasing agent also shall have the power with the approval of the state board of control to appoint and fix the compensation of such additional employees as the proper and economical conduct of the business of the state purchasing department may demand.

The assistant state purchasing agent shall execute to the people of the state a bond in the penal sum of five thousand dollars. He shall in case of absence from the state, or of death, or of disqualification of the state purchasing agent, become acting state purchasing agent with all the duties and power of state purchasing agent as provided in this act, and in such case shall hold office at the pleasure of the governor who shall have the power to appoint his successor.

Testing  
Laboratory

SEC. 7. The state purchasing department shall maintain a testing laboratory and the state testing engineer shall be the custodian thereof, and of all the apparatus therein and pertaining thereto, and of all the testing apparatus and machinery which shall be in the possession of any state department, commission, board, institution, or official, and for which through the operation of this act they shall have no use. The state testing engineer shall perform such tests as may be required by any state department, commission, board, institution, or official, and for any tests made by the state testing engineer and not made on account of any purchase, lease, rental, or contract under the jurisdiction of the state purchasing agent, a charge may be made based upon the actual cost of material and labor employed, plus five per centum for use of apparatus and machinery, which shall be paid into the maintenance fund of the state purchasing department.

Appropriation

SEC. 8. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to support the state purchasing department for the sixty-seventh and sixty-eighth fiscal years.

SEC. 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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## CHAPTER 352.

*An act to appropriate money for power house repairs and equipment at the Napa State Hospital.*

[Approved May 18, 1915 In effect August 8, 1915]

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

Appropriation  
repairs,  
Napa  
hospital

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for power house repairs and equipment at the Napa State Hospital.

CHAPTER 353.

*An act to appropriate money to pay the claim of Lake Tahoe Railway and Navigation Company upon a judgment rendered against the State of California.*

[Approved May 18, 1915 In effect August 8, 1915.]

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

SECTION 1. The sum of three thousand two hundred sixty-one dollars and thirty-four cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Lake Tahoe Railway and Navigation Company upon a judgment rendered against the State of California for corporation franchise tax illegally assessed and collected.

Appropriation claim, Lake Tahoe Ry & N Co

CHAPTER 354.

*An act making an appropriation for office equipment for secretary of state.*

[Approved May 18, 1915. In effect immediately ]

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

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the secretary of state, under direction of the state board of control, for purchase and installation of necessary office equipment for filing and preservation of state documents in the state archives.

Appropriation, archives equipment.

SEC 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

Current expenses.

CHAPTER 355.

*An act appropriating money to supplement and be added to the cash revolving fund provided for the use of the state engineer by chapter 108 of the statutes of 1913, approved May 8, 1913.*

[Approved May 18, 1915. In effect immediately.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to supplement and be added to the cash revolving fund provided for the use of the state engineer by chapter 108 of the statutes of 1913, approved

Appropriation addition to state engineering revolving fund.

May 8, 1913. All or any part of said money may be drawn from the state treasury upon approval of the state board of control without the submission of receipts, vouchers or itemized statements and used by the state engineer in advancing cash payments for labor, material and supply bills where such payments are necessary for the proper conduct of the business of the department, said bills to be subsequently paid for out of the appropriation against which they are a proper charge and the money returned to the cash revolving fund. The state engineer shall be liable on his bond for the money so advanced to him, and may, to protect himself, require sufficient bond of the different employees under him who use and disburse the same for him. He must account for the money herein appropriated at any time upon demand of the state board of control or state controller.

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

Urgency

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately

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#### CHAPTER 356.

*An act making an appropriation to pay the claim of Mrs May Arminnie McCrea against the State of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation claim, Mrs McCrea.

SECTION 1. The sum of thirty-four hundred sixty-five dollars is hereby appropriated, to be paid out of the fish and game preservation fund, to pay the claim of Mrs. May Arminnie McCrea against the State of California.

CHAPTER 357.

*An act to provide for the repayment to such persons as are or may become entitled thereto of moneys by them, or their assignors, paid to the State of California in consequence of illegally imposed charges for the registration of motor vehicles, or paid to the state by mistake or inadvertence in connection with the registration of such motor vehicles, and thereafter deposited in the state treasury to the credit of the motor vehicle fund pursuant to the provisions of chapter 326 of California statutes of 1913, approved May 31, 1913, and known as the motor vehicle act; making an appropriation for such purpose; prescribing certain duties with respect thereto; and providing for the retention by the state of proportionate deductions from the moneys which would otherwise be apportioned to the several counties under the provisions of said motor vehicle act.*

[Approved May 18, 1915. In effect August 8, 1915 ]

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

SECTION 1. From the moneys in the state treasury to the credit of the motor vehicle fund there is hereby appropriated the sum of twenty-five thousand dollars, to be used exclusively for the purpose of repaying to such persons as are or may become entitled thereto any moneys by them, or their assignors, paid to the State of California in consequence of any illegally imposed charge for the registration of any motor vehicle, or paid to the state by mistake or inadvertence in connection with the registration of any such motor vehicle, and thereafter deposited in the state treasury to the credit of the motor vehicle fund

Appropriation.  
repayment  
motor  
vehicle tax  
paid by  
mistake

SEC. 2. All claims for the repayment of any such moneys shall be verified by the applicant, or some person in his behalf, and shall be presented to the motor vehicle department, upon forms to be prescribed by the department, and shall contain all data necessary to enable the department to identify the payment upon which such claim is based and to determine whether or not the averments set forth in such claim are correct as shown by the records of the office. If found to be incorrect the claim shall be rejected and returned to the applicant with a brief statement of the reason therefor endorsed thereon. Such rejection shall be without prejudice to the presentation by such applicant of a corrected claim. If found to be correct, the claim shall be approved by the motor vehicle department and transmitted to the board of control with such approval endorsed thereon, and shall be by the latter audited and approved or rejected in the manner provided by law.

Claims

SEC. 3. If such claim be approved by the board of control the same shall be transmitted to the state controller with such approval endorsed thereon, and the controller shall thereupon

Controller's  
warrants

draw his warrant upon the motor vehicle fund in favor of said claimant for the amount of such claim and the state treasurer shall pay the same; *provided, however*, that the aggregate sum of all warrants so drawn and paid shall not exceed the amount by this act appropriated.

Report on  
repayments

SEC. 4. At the time of rendering its semiannual statements to the controller, as in said motor vehicle act provided, the motor vehicle department shall also submit a statement showing the aggregate amount, by counties, of all repayments made on account of registration fees collected from persons residing in such counties at the time of collection, and the controller shall thereupon deduct from the amounts which would otherwise be apportioned to each of such counties, in conformity with the provisions of said motor vehicle act, one-half the amount of all such repayments so made, and draw his warrant in favor of the treasurer of each of such counties for the amount so apportioned, less such deduction.

Balance.

SEC. 5. Any balance of said appropriation remaining unexpended on the first day of September, A. D. 1917, shall, without further action, revert to and become a part of the motor vehicle fund.

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#### CHAPTER 358.

*An act to appropriate money to pay the claim of the Lauritzen Company against the State of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Appropriation  
claim,  
Lauritzen  
Company.

SECTION 1. 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 claim of the Lauritzen Company against the State of California.

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#### CHAPTER 359.

*An act providing for the calling by the governor of a conference on irrigation, reclamation, water storage, flood control, and drainage, and making an appropriation to pay the expenses thereof.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Conference  
on  
irrigation,  
water  
storage,  
etc

SECTION 1. For the purpose of considering and recommending a unified state policy with reference to irrigation, reclamation, water storage, flood control, municipalities, and drainage, with due regard to the needs of water power, mining, and navigation, the governor of the state is hereby empowered to call a conference of properly qualified persons, consisting of

the lieutenant governor, who shall be chairman thereof, the speaker of the assembly and the chairman of each of the committees of the senate and assembly of the forty-first session of the state legislature on irrigation and on drainage, swamp, and overflowed lands, the state engineer, the chairman of the state water commission, the chairman of the state reclamation board, the chairman of the state conservation commission, the secretary of agriculture, and six others to be appointed by the governor. Such conference shall first meet at the call of the governor, and shall meet thereafter during the years 1915 and 1916 at such times as the chairman shall determine. Not later than November 30, 1916, the conference shall report its findings and conclusions to the governor, together with any recommendations it deems desirable to make regarding legislation; and with the filing of its report with the governor as aforesaid its existence shall cease and determine.

SEC. 2. No member of the conference provided for in this act shall receive any compensation for any work performed in connection therewith other than as already allowed by law; but each member of such conference shall be entitled to receive his actual and necessary traveling expenses incident to attendance at regularly called meetings of the conference or committees thereof; *provided*, that the traveling expenses of the members of the conference who become such members by reason of being members of a state department, board or commission shall be paid out of the funds appropriated by law for such department, board, or commission. The chairman of the conference is hereby authorized to employ such assistants as he may deem to be requisite to perform the clerical work made necessary by the proper performance of the duties of the conference.

Compensation.

SEC. 3. Out of any moneys in the state treasury not otherwise appropriated there is hereby appropriated the sum of twenty-five hundred dollars to be expended in accordance with law in defraying the expenses herein authorized

Appropriation.

## CHAPTER 360.

*An act making an appropriation to provide the superintendent of capitol building and grounds with a revolving fund for the purchase of stationery and office supplies for legislative and state offices.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1 The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide the superintendent of capitol building and grounds with a permanent revolving fund for the purchase of stationery and office supplies for legislative and state offices in Sacramento.

Appropriation revolving fund, superintendent of capitol building

Bills for  
supplies.

SEC. 2. The superintendent of capitol building and grounds shall issue, upon requisition signed by the authorized person in each department, stationery and office supplies, and shall render bills each month covering the actual cost of such supplies, plus five per cent to cover loss and breakage, against the respective officer or department ordering the same, which bills shall be audited by the state board of control and paid out of the appropriation or fund of the said officer or department chargeable with the same, on warrants drawn by the state controller.

Monthly  
reports.

SEC. 3 The superintendent of capitol building and grounds shall render monthly reports to the state controller of all moneys received under the provisions of this act, and shall pay the same into the state treasury to the credit of the revolving fund.

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### CHAPTER 361.

*An act to create a levee district to be called and designated Sacramento river west side levee district; to prevent the overflow of flood waters from the Sacramento river from flooding on to the lands within said district by the construction of levees along the west bank of the Sacramento river and adjacent thereto and maintain the same; providing for the election and appointment of officers of said levee district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said levee district.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Sacramento  
river west  
side levee  
district  
created.

SECTION 1. A levee district is hereby created to be known and designated "Sacramento river west side levee district," and is hereinafter in this act designated as "district," the boundaries of which said district shall be as follows:

Boundaries.

Beginning at a point seven hundred and sixty feet north, and three hundred and twenty-six feet east of southeast corner of the northwest quarter of the northwest quarter of section seven, in township eleven north, range two east, Mount Diablo base and meridian, the same being a point of junction with the present existing levee around reclamation district number seven hundred and eighty-seven and the center line of the back or westerly levee of reclamation district number one hundred and eight; thence running in a northwesterly and northerly direction along the center line and within the right of way of the back or westerly levee of said reclamation district one hundred and eight to a junction with the existing levee of reclamation district number one hundred and eight; said levee being commonly known as the Howell Point levee, said junction point being eight hundred and twenty-three feet north

and six hundred and nine feet east of the northwest corner Boundaries. of the northeast quarter of the southwest quarter of section thirty, township thirteen north, range one east, Mount Diablo base and meridian, the center line of said levee right of way being more particularly described as follows:

Beginning at a point seven hundred and sixty feet north and two hundred and eight feet east of the southeast corner of the northwest one-quarter of the northwest one-quarter of section seven, township eleven north, range two east, Mount Diablo base and meridian, and running thence northwesterly in a direct line through the northwest one-quarter of the northwest one-quarter of section seven, and the southwest one-quarter of the southwest one-quarter of section six, township eleven north, range two east, the south one-half of section one, the north one-half and the southeast one-quarter of section two, the northeast one-quarter of section three in township eleven north, range one east, and the south one-half of section thirty-four, township twelve north, range one east, to a point three hundred feet north of the northwest corner of the southwest one-quarter of the southwest one-quarter of said section thirty-four; thence in a direct line northwesterly through the south one-half of section thirty-three, and the southeast one-quarter of section thirty-two to the center of said section thirty-two, in township twelve north, range one east, thence in a direct line northwesterly through the northwest one-quarter of section thirty-two to the southeast corner of the northeast one-quarter of the northeast one-quarter of section thirty-one, township twelve north, range one east; thence in a direct line northwesterly across the northeast one-quarter of section thirty-one, and the east one-half and the northwest one-quarter of section thirty, and the southwest one-quarter of section nineteen, township twelve north, range one east, and the southeast one-quarter of section twenty-four, township twelve north, range one west, to a point three hundred feet west of the one-quarter section corner between section nineteen, township twelve north, range one east, and section twenty-four, township twelve north, range one west; thence north, parallel with and three hundred feet west of the Mount Diablo meridian between townships twelve north, range one east, and one west; through the east half of the east half of section twenty-four, the east half of the east half of section thirteen, the east half of the east half of section twelve, and the east half of the east half of section one, in township twelve north, range one west, to a point three hundred feet west of the corner to townships twelve and thirteen north, ranges one east and one west; thence in a direct line northeasterly through the southeast one-quarter of section thirty-six, township thirteen north, range one west, and the west one-half of section thirty-one, township thirteen north, range one east, to a point on the north line of section thirty-one, township thirteen north, range one east, from whence the southeast corner of the southeast one-quarter of the southwest one-quarter of section thirty, township thirteen north, range

**Boundaries.** one east, bears west four hundred and fifty-nine feet distant; thence in a direct line north no degrees fifty-three minutes east one-half of a mile across the southwest one-quarter of section thirty, township thirteen north, range one east; thence from said point north no degrees fifty-three minutes east eight hundred and twenty-two feet across the southeast one-quarter of the northwest one-quarter of said section thirty, to a point in the right of way of the existing Howell Point levee.

Thence leaving said junction point with the said Howell Point levee of reclamation district number one hundred and eight, said junction point being eight hundred and twenty-three feet north and six hundred and nine feet east of the northwest corner of the northeast quarter of the southwest quarter of section thirty, township thirteen north, range one east, Mount Diablo base and meridian, and running along the center line and within the existing right of way of said Howell Point levee of said reclamation district number one hundred and eight northwesterly a distance of thirty-one thousand, three hundred and sixty-nine feet, more or less, to a point on the center of said levee and on the line between section four, township thirteen north, range one west and section thirty-three, township fourteen north, range one west, Mount Diablo base and meridian; thence following the center line of the existing reclamation district number one hundred and eight back levee north forty-two degrees, forty-five minutes west, two thousand five hundred and forty-two feet across the southwest one-quarter of section thirty-three, township fourteen north, range one west, Mount Diablo base and meridian; thence across the northwest one-quarter of the southwest one-quarter of said section thirty-three, and the northeast one-quarter of the southeast one-quarter of section thirty-two, said township and range, north forty-eight degrees thirty-five minutes west seven hundred and seventeen feet; thence across the northeast one-quarter of the southeast one-quarter, and the southeast one-quarter of the northeast one-quarter of section thirty-two, said township and range, north nine degrees, thirty-eight minutes west, six hundred and seventy-five feet; thence across the east half of the east half of sections twenty-nine and thirty-two, said township and range, north three degrees, twenty-nine minutes west, three thousand six hundred and fifteen feet; thence across the southeast one-quarter of section twenty-nine, and the southwest one-quarter of section twenty-eight, said township and range, east six hundred and twenty-two feet to a point two hundred and twenty-five feet east and forty-five feet south of the one-sixteenth corner between the southeast quarter of section twenty-nine and the southwest quarter of section twenty-eight said township and range; thence across the west one-half of the west one-half of section twenty-eight, said township and range, north no degrees, twenty-three minutes east, eighteen hundred and sixty feet, more or less, to the center line of Sycamore slough; thence in a northerly direction along the center line of said slough to a point where said slough

crosses the line between sections five and six, township four-  
 teen north, range one west; thence north along said line, three  
 thousand feet, more or less, to the northeast corner of said sec-  
 tion six; thence west along the north line of said section, thirty-  
 two hundred feet, more or less, to a point due south of the  
 southwest corner of the Davis west levee; thence north one  
 hundred feet, more or less, to the center line of the said Davis  
 west levee; thence northerly along the center line of said levee,  
 one mile, more or less, to the south line of section thirty, town-  
 ship fifteen north, range one west; thence west three-fourths  
 mile more or less to the quarter section corner between sections  
 twenty-five and thirty-six, township fifteen north, range two  
 west; thence north two and one-half miles to the center of sec-  
 tion thirteen, township fifteen north, range two west; thence  
 west one-half of a mile to the quarter section corner between  
 sections thirteen and fourteen, township fifteen north, range  
 two west; thence north one mile to the quarter section corner  
 between sections eleven and twelve, township fifteen north,  
 range two west; thence west one-half of a mile to the center  
 of said section eleven; thence north one mile to the center of  
 section two, township fifteen north, range two west; thence  
 west one-half of a mile to the quarter section corner on the  
 west boundary of the said section two; thence north one mile  
 to the quarter section corner between sections thirty-four and  
 thirty-five, township sixteen north, range two west; thence  
 east through the center of said section thirty-five and along  
 the center line of road number sixty-four (old series), of  
 Colusa county, one mile, more or less, thence continuing north-  
 easterly along the center line of the said road number sixty-  
 four (old series), the same being known as the "Colusa and  
 Williams road," one and three-eighths miles, more or less, to  
 the south boundary line of the town of Colusa; thence south-  
 easterly along the south boundary line of the town of Colusa  
 to the southeast corner thereof; thence northeasterly along the  
 east boundary line of the town of Colusa to a point where the  
 said line intersects the right bank of the Sacramento river;  
 thence down the right bank of the Sacramento river to a point  
 where the said right bank of the Sacramento river intersects  
 the right or southerly bank of Lower Sycamore slough; thence  
 leaving the right bank of the said Sacramento river and running  
 in courses and distances as follows: South sixty-one degrees,  
 thirty-five minutes, west two hundred and fifty-nine feet;  
 thence south three degrees, forty-three minutes west, one hun-  
 dred and one and sixty-five hundredths feet; thence south  
 fifty-five degrees, twelve minutes west, five hundred and fifteen  
 and ninety-five hundredths feet; thence south twelve degrees,  
 twenty-seven minutes west, two hundred and sixty-five and  
 seventy-four hundredths feet; thence south forty-two degrees,  
 thirty-four minutes west, six hundred and thirty-nine and four  
 tenths feet; thence south thirty-nine degrees, thirty-four min-  
 utes west, eight hundred and two and forty-seven hundredths  
 feet; thence south fifty-eight degrees, forty-one minutes west.

**Boundaries.** three hundred and ninety-six and eight-tenths feet; thence south fifty-two degrees, thirty minutes east, seven hundred and twenty-eight and seven-tenths feet; thence south fifty-two degrees, eleven minutes east, five hundred and nine and thirty-three hundredths feet; thence south forty-four degrees, forty-eight minutes west, six hundred and ninety-nine and three-tenths feet; thence south eighty-eight degrees, twenty-one minutes west, four hundred and eight and twenty-two hundredths feet to the northeast corner of section twenty-two, township eleven north, range two east, Mount Diablo base and meridian; thence north eighty-nine degrees, seventeen minutes, thirty seconds west, three hundred and forty-five and ninety-five hundredths feet; thence north forty-five degrees, twenty-nine minutes, thirty seconds west, one thousand four hundred and fifty feet, more or less, to the center line of the southerly levee of reclamation district number seven hundred and eighty-seven; thence following said center line of said levee in a northwesterly direction through the south one-half and the northwest one-quarter of section fifteen of said township and range; thence continuing along the center line of said levee in a westerly direction through the south one-half of the north one-half of section sixteen and the northeast one-quarter of section seventeen, of said township and range; thence continuing along the center line of said levee in a northwesterly direction through the northeast quarter and the northwest quarter of said section seventeen, the southwest quarter of section eight, the southeast quarter, the northeast quarter, and the northwest quarter of section seven, said township and range; thence continuing along the center line of said levee in a northerly direction through the northwest quarter of said section seven, to the point of beginning.

**Commis-  
sioners**

**Sec. 2.** The officers of said district shall consist of a board of five levee commissioners who shall hold office for the term of four years from and after their election and qualification and until their successors have been elected and qualified. Said levee commissioners shall be selected from the district at large and each of them must at the time of his election be the owner of at least forty acres of land in said district, the test of his qualification as such commissioner to be such land ownership and not residence in the said district.

**Election**

**Sec. 3.** An election shall be held within forty days after the date upon which this act shall take effect, and on the last Monday of October of every fourth calendar year thereafter, at which election said commissioners shall be elected. Said first election shall be called by the reclamation board created by that certain act of the legislature of the State of California, entitled: "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure

data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911. or such board as may by law be made its successor. Said reclamation board shall also designate the voting place for said first election and for all succeeding elections. Notice of the time and place of holding all elections shall be given by said reclamation board by publication once a week for two weeks next preceding such election, in some newspaper published in Colusa county and also in some newspaper published in Yolo county. In all elections the reclamation board shall, prior to the election, procure from the assessors of said counties of Yolo and Colusa, respectively, a list certified by such assessors respectively, containing a description of all the lands of the district situated in such counties, the name of the person to whom each tract is assessed and the acreage thereof as it appears from the last prior assessment roll of said counties, which said list shall be furnished to and be used by the board of election hereinafter described in determining the number of votes each voter is entitled to cast. In all elections said reclamation board shall appoint an inspector and two judges of election, who shall constitute a board of election for such voting place. At all elections of commissioners each owner of land within said levee district as above defined, shall be entitled to cast one vote, in person or by proxy, for each commissioner to be elected therein for each acre of land or fraction thereof owned by such land owner within said district, such acreage to be determined by the aforesaid assessment roll of the county in which the same is situated. In case of town lots, or where the acreage is not stated, the board of election officers shall determine the amount of acreage therein. Each owner of land shall have the right to cumulate his vote so as to vote the same for one or more commissioners as he may elect. The estates of minors, incompetents, deceased persons and beneficiaries under a trust shall be represented by the guardian, executor, administrator or trustee in person. Where a tract is situated partly within and partly without the boundaries of such district, and the assessment roll contains the acreage of said tract of land as a whole, the same must be apportioned according to the number of acres lying within and without the boundaries of said district. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election. In case no board of election shall be appointed, or if any member thereof shall fail or refuse to serve, the landowners present at the time of the opening of such election may appoint such board of election or supply the place of an absent member. Each member of the board of

Notice of election.

Board of election

Vote by proxy.

election must, before entering upon the discharge of his duties, be sworn to perform them faithfully. Any person entitled to vote at such election may administer the oath. The polls shall be kept open from ten o'clock a.m. till four o'clock p.m. on the day of said election. The board of election must keep a list of the names of the persons voting at such election, together with a statement of the number of votes cast by each, and shall canvass the votes and make a return thereof showing the number of votes cast for each person for levee commissioner and shall return therewith said list containing the names of the landowners voting at such election. Such election shall be by ballot, which ballots must contain the name of the person voting the same, the total number of votes cast, the names of the persons voted for and the number of votes cast for each of said persons. The ballots must be inclosed in an envelope by the election board, and delivered, with the election returns, to the said reclamation board, and said reclamation board shall cause a certificate of election to be issued within five days to the person or persons receiving the highest number of legal votes. If a certificate of election shall be issued to any person who has not received the highest number of legal votes, and upon an affidavit being filed by a landowner in the said levee district, setting forth that such person did not receive the highest number of legal votes, and giving the names of the persons who cast illegal votes for such person, and the number of such illegal votes so cast, the said reclamation board shall canvass the election returns, and hear evidence touching the legality of any votes cast, and may revoke such certificate of election and issue a certificate to the person legally elected. Within fifteen days after receiving a certificate of election, and before entering upon the duties of his office, each levee commissioner shall take the oath of office prescribed by law, and file the same in the office of said reclamation board. All vacancies in the board of levee commissioners shall be filled by the said reclamation board, and such appointee shall hold office until the next succeeding election, and the qualification of his successor. Such person shall possess the same qualifications as an elected commissioner.

SEC. 4. The board of levee commissioners shall elect one of their number as president, and shall elect a secretary who may or may not be a member of said board, and an engineer, who shall not be a member of said board, and employ such other persons as may be necessary to assist and advise said board. The office of said board of levee commissioners shall be such place as designated by said board, but the same may be changed by the said board from time to time. The board shall hold regular meetings as the by-laws of the district may provide. At all meetings three of said members shall constitute a quorum for the transaction of any and all business. Special meetings may be called and held at such times and in such manner as the by-laws may provide. Any meeting of the commissioners, at which all members of the board are

Polls open.

Ballots

Certificate  
illegally  
issued.Commis-  
sioner  
takes office.Officers  
of board.

Meetings

present, shall be deemed a regular meeting at which any business may be transacted. No commissioner shall be disqualified from participating in any and all proceedings or actions of the board of levee commissioners, except that he shall not cast a deciding vote upon a motion or resolution to pay money or award a contract directly to himself. Each commissioner shall receive ten dollars per day and necessary mileage actually expended while engaged in the performance of his duties. Compensation.

SEC. 5. The board of levee commissioners shall have power to adopt by-laws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the protection of the lands of the district from the flood waters of the Sacramento river overflowing or coming therefrom on the west side of said river; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; *provided*, that said board of levee commissioners Powers of board

must report to the said reclamation board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the protection of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses, such plans and estimates shall include the cost of construction and maintenance; to acquire from private persons, reclamation, swamp land, levee or other public agencies or protection districts, or corporations, all rights of way, easements, existing levees, property and material, whether outside or within the limits of the district, necessary or requisite for levees, by donation, contract, purchase or by proceedings under the provisions of title VII, part three of the Code of Civil Procedure of the State of California for condemnation thereof in the name of the district, or any other provision of law in relation to the right of eminent domain: to sue and be sued in the name of said levee district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the protection of lands within said levee district from the flood waters of the Sacramento river. It shall be the duty of said board of levee commissioners to take such steps as may be necessary to acquire dominion and control of all levees along or adjacent to the west bank of the Sacramento river and within the said levee district, and to repair the breaks or openings now therein; also to reconstruct all existing levees; also to construct and maintain levees where there may be none, and generally to do all other things that it may deem necessary or requisite to prevent the flood or overflow waters from the Sacramento river flowing over or through the west bank or west levee thereof, either inside or outside of said levee district, entering the lands within Report on plans.

To acquire levees on west bank

said district, or any part thereof, and, for this purpose, to control the levee or levees within said district along the west bank of the said Sacramento river, or any levee or levees outside of said district, as may be necessary for such purpose; also to construct, reconstruct and repair and maintain and protect such levees, and, for this purpose, to construct and maintain any protection or works of any kind which may be deemed necessary for the purpose of assuring the safety of such levees hereinbefore referred to, with a view of keeping the waters from the Sacramento river flowing on to the lands within said district, or any part thereof.

Assessors

SEC. 6. The said reclamation board shall upon receipt of plans and estimates, as above set forth, appoint three assessors, who shall be disinterested persons, and who shall have no interest in any real estate within said levee district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the land within said levee district the said sum so estimated and reported to the board of levee commissioners, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed, by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known or if unknown, that fact; the amount of the charge assessed against each tract. No mistake in the name of the owner or supposed owner, of any real estate shall invalidate the assessment. Said lists shall be made in duplicate, each being made as an original, and, when completed, shall be filed

List of lands.

Hearing

The said reclamation board shall appoint a time when it will meet for the purpose of hearing objections to said assessment, and notice of such hearing shall be given by publication for two weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file written objections to such assessment with said reclamation board stating the grounds of such objections, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the said reclamation board shall hear such evidence as may be offered in support of said written objection, and may modify or amend the assessment in any particular, or make a re-apportionment of the entire assessment. If the amount of any assessment in said list shall be changed, the said reclamation board shall set a day for hearing objections to said assessment as changed, and

shall give notice thereof by publication for two weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At such hearing objections in writing may be made by any person interested, and the reclamation board shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed, the said reclamation board shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved. The said reclamation board shall then make an order approving said assessment, and shall endorse such order upon such assessment list, and the duplicate original thereof, which said order shall be signed by the chairman of said reclamation board and attested by the clerk or secretary thereof, and such decision of said reclamation board shall be final, and thereafter said original assessment list and duplicate original assessment list shall be conclusive evidence that the said assessment has been made and levied according to law. Immediately after the approval of said assessment, the original shall, by the said reclamation board, be deposited in the office of the county treasurer of Colusa county, and the duplicate original of said assessment list shall be deposited by said reclamation board in the office of the county treasurer of Yolo county.

Approval of assessment

SEC. 7. From and after the filing of the original list with the county treasurer of Colusa county, and from and after the filing of the duplicate original list with the county treasurer of Yolo county, the charges assessed upon any tract of land within each respective county shall constitute a lien thereon, and shall impart notice thereof to all persons. No subsequent act or conduct of the commissioners shall invalidate said assessment or lien, but such commissioners may be compelled by mandate or other proper proceeding to perform their duties, as required by law. The list thus prepared and filed must remain in the offices of the respective treasurers for thirty days from such filing, or longer if ordered by the board of levee commissioners, and during the time they so remain, any person may pay the amount of the charge assessed against any tract of land to the treasurer of the county in which such tract is situated, in gold coin of the United States, or in warrants of the district. At the end of thirty days the treasurers must return the lists to the board of commissioners of the district, and all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum, and shall be collected and paid in separate installments, of such amounts and at such time, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added

Charges become lien

Interest on unpaid assessments.

Delinquent.

thereto, and collected for the use of the district; *provided, further,* that the commissioners must on the first day of January of each year, order the collection of a sufficient amount of said assessment to pay all warrants that have been issued and outstanding for a period of two years or more, together with the interest on such warrants. Immediately after the said installment has become delinquent, the board of levee commissioners must publish a notice at least once each week for three weeks in some newspaper of general circulation published in the county or counties in which any land upon which such installment may be delinquent is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such be the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, at such time and place in said district as the board of commissioners may in said notice designate, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the commissioners must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the commissioners must pay the amount of said installment with the accrued interest thereon and the penalty herein provided for to the county treasurer of the county of Colusa who shall place the same in the proper funds of said district, and the commissioners must pay to the owner of said property any surplus remaining after such payment to said county treasurer. The commissioners may postpone said sale from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the commissioners of said levee district to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land sold is situated, or if situated in two counties, then in the office of the county recorder of each thereof. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying in gold coin or in warrants of said district, to the county treasurer of Colusa county the amount of said installment with the accrued interest and penalty, and interest on the said sums at the rate of two per cent per month from the date of said sale.

Sale of  
delinquent  
property

Certificate  
of sale.

Redemption.

Need.

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold

to the district, shall be entitled to a deed executed by said commissioners, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the liens of assessments now levied or which may hereafter be levied by any of the reclamation districts situate within said levee district, or by the Knights Landing Ridge drainage district, and the unpaid balance of said assessment of said levee district, if any, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where said property shall have been deeded to the district and shall not have been sold by the commissioners, the same shall not be offered for sale for subsequent installments of said assessments so long as the district shall remain the owner of said property, but the commissioners may sell said property at any time at public auction after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes, the lien of any assessments levied or which may hereafter be levied by any reclamation district within said levee district, or the Knights Landing Ridge drainage district, and the unpaid balance of said assessment.

In all cases where an assessment shall hereafter be levied for any purpose on the lands embraced within said levee district, if, for any reason, any tract or tracts of land shall not have been charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said lands from the levee works, for which said former assessment was levied, bears to the whole amount of said former assessment: or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of levee protection. Such re-assessment shall be made by assessors appointed by the reclamation board, as provided by this act, and must be made and approved in the same manner as other assessments. The assessors appointed by the reclamation board must make a list of the charges assessed against each tract of land; and, if there be any error or mistake in the description of the land or in the name of the owner, or if any land which should be assessed has been, or shall be, omitted from the list, or if there is any error or mistake in any other respect, the said assessors may amend or correct the same at any time before the filing of such list with the reclamation board as hereinbefore provided. Where payment is made in warrants of the district, legal interest must be computed thereon from the date thereof to the time of such payment, when said warrants must be surrendered to the county treasurer of the county of Colusa and by him canceled.

Land not  
charged to  
be charged  
later

To whom  
payments  
are made.

All installments of assessment, after the original list and the duplicate original have been returned by the respective county treasurers to the board of levee commissioners that may be called in, shall be paid to the secretary of said board of levee commissioners, and the same and also all proceeds from any delinquent sale shall be paid into the county treasury of the county of Colusa, and be placed by the treasurer thereof to the credit of said district, and paid out upon warrants issued by the board of levee commissioners. At any time an assessment on any tract of land may be paid in full, notwithstanding the same has not been called in by the board of levee commissioners.

Money  
deposited  
in county  
treasury.

All moneys received from any source by the board of levee commissioners shall be paid by the said board, or the secretary thereof, into the county treasury of Colusa county, and be placed by the treasurer to the credit of the district, and paid out upon the warrants of the board of levee commissioners in the manner hereinbefore provided.

On the first Monday of each month the county treasurer of Yolo county shall transmit to the county treasurer of Colusa county all moneys that may be in his hands to the credit of said district arising from any source, and, likewise, all warrants that may be delivered in payment of any assessment, and all such moneys shall thereupon be placed to the credit of said district by said county treasurer of Colusa county.

Payment  
of warrants.

SEC. 8. The warrants drawn by the commissioners must be presented to the treasurer of the county of Colusa, and if they are not paid on presentation, such indorsement must be made thereon and they must be registered and bear interest from the date of such warrants at the rate of seven per cent per annum and shall be payable in the order of their registration. Such warrants are, and shall be, considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon the said warrants, or connected therewith, is, and shall be, the term of four years from the date of their issuance. Any owner of land in the district may, at any time, pay any assessment thereon, or any part thereof, with warrants of the district. No warrant shall be paid or received on an assessment, except within four years after the date of its issuance. The board of levee commissioners and the county treasurer of Colusa county must cancel all warrants not paid within four years after the date of issuance; *provided*, that any warrant not paid or received on assessment within four years after date of the issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years upon the presentation of the same to the board of commissioners of the district, such extension being indorsed thereon by the said board and a record thereof filed with the county treasurer of Colusa county. Said warrants may also thereafter be renewed from time to time in the same manner

In case an action or proceeding, based upon any warrant or connected therewith, be commenced within four years from the date of issuance of such warrant and final judgment be obtained in favor of the owner or holder thereof, such warrant shall be paid or received on assessment in like manner as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance. In any proceedings for a writ of mandate to compel the board of levee commissioners to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions and shall cause a writ to issue for such sum as may be found to be due. At any time after the issuance of a warrant the holder or owner thereof with the consent of the board of levee commissioners may surrender the said warrant, and a new warrant for the face thereof and accrued interest thereon shall thereupon be issued to the owner or holder in the same manner as the original warrant. Whenever there shall be sufficient moneys in the county treasury of Colusa county to the credit of said levee district to pay any warrant or warrants which have been registered and drawing interest, the said county treasurer must give notice by a written notice posted in a conspicuous place in his office, stating therein that he is ready to pay such warrants. From and after the date of posting such notice, such warrants shall cease to draw interest.

In case of  
action on  
warrant.

SEC. 9. Nothing in this act is intended to, or shall be construed to, authorize or empower the said board of levee commissioners, or the said levee district, in any way to interfere with the management or control of reclamation districts numbers one hundred eight, seven hundred eighty-seven and four hundred seventy-nine, or any of them, or any other reclamation district situate within the boundaries of said levee district, or within the Knights Landing ridge drainage district, or to supersede the powers of any of them, or such districts, or any of them, except as to the control, construction and maintenance of the levee or levees along or adjacent to the eastern line of said levee district, the same being along or near the west bank of the Sacramento river, so as to prevent the overflow of flood waters from said Sacramento river flowing on to the lands within said levee district, or any part thereof, together with such protection or other works that may be necessary to protect the said levee or levees now existing, or that may hereafter be constructed, or reconstructed, or raised, or widened, or any new levee that may be hereafter constructed for such purpose.

Reclamation  
districts  
not  
interfered  
with.

SEC. 10. In case the said reclamation board should be abolished by law, and a new board is created by law, succeeding to the powers thereof, then all the duties to be performed by said reclamation board shall be performed by its legal successor, and if there be no such legal successor, in the event of such abolition, then by the board of supervisors of the county of Colusa.

SEC. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

## CHAPTER 362.

*An act to amend section one hundred seventy of the Code of Civil Procedure, relating to disqualification of judicial officers to sit or act.*

[Approved May 18, 1915 In effect August 8, 1915]

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

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

Judges  
disqualified

170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested;

2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law; *provided, however,* that if the parties to the action, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the receiver, or the commissioner, or the referee, or the attorney for a party in all special proceedings of a civil or criminal nature, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification herein, the judge or court may proceed with the trial or hearing with the same legal effect as if no such disqualification existed.

3. When in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for either party; or when he has given advice to either party upon any matter involved in the action or proceeding;

4. When it appears from the affidavit or affidavits on file that either party can not have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge shall forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided,* that in an action in the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party or the attorney for such party at least one day before the day set for trial of such action or proceeding; *provided,* counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one

such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceeding to some other court, or the hearing upon such affidavits and counter-affidavits;

5. In an action or proceeding brought in the superior court or justices' court by or against the reclamation board of the State of California, or any reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property or any easement or right of way, levee, embankment, canal, or any work provided for or approved by the reclamation board of the State of California, the judge of the superior court of the county, or justice of the peace of the township in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof, is situated, shall be disqualified to sit or act, and such action, if brought in the superior court, shall be heard and tried by some other judge of the superior court requested to sit therein by the governor, or if brought in the justices' court, by some other justice of the peace requested to sit therein by the governor; unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge or justice of the peace may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation agreeing upon some other judge of the superior court or justice of the peace to sit or act in place of the judge or justice disqualified under the provisions of this subdivision, the judge or justice agreed upon shall be designated by the governor to sit in the action; *provided*, that nothing herein contained shall be construed as preventing the judge of the superior court of such county from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated by the governor as herein provided

Who shall sit in place of judge disqualified

Disqualification may be waived

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in title IV, part 2 of this code.

## CHAPTER 363.

*An act to amend section one thousand four hundred fifty-four of the Code of Civil Procedure relating to the collection by surviving heirs of money in banks.*

[Approved May 13, 1915. In effect August 8, 1915.]

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

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

Heirs may  
collect  
money in  
banks.

1454. The surviving husband or wife or the guardian of the estate of any insane or incompetent husband or wife, of any deceased person, or if no husband or wife is living, then the children, or the guardian of the estates of any minor or insane or incompetent children of said deceased, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father nor mother is living, then the brothers and sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposits shall not exceed the sum of one thousand dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is the child, or that affiants are the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters, or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the whole amount that said decedent left on deposit in any and all banks of deposit in this state, does not exceed the sum of one thousand dollars, may pay to said affiant or affiants any deposit of said decedent, if the same does not exceed the sum of one thousand dollars, and the receipt of such affiant or affiants, is sufficient acquittance therefor.

Banks  
authorized  
to pay.

CHAPTER 364.

*An act to amend section four thousand one hundred twelve of the Political Code of the State of California, relating to county treasurers' reports.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

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

4112. Each county treasurer must make a detailed report at the first regular meeting held in any month by the board of supervisors of his county, of all money received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

Monthly reports of county treasurers

CHAPTER 365.

*An act to amend section four thousand two hundred forty-four of the Political Code of the State of California relating to salaries and fees of officers in counties of the fifteenth class.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

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

4244. In counties of the fifteenth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Counties of 15th class, salaries of officers

1. The county clerk shall receive three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk, the following clerks, deputies and employees who shall be appointed by the county clerk and shall be paid salaries as follows: two deputies at a salary of one hundred twenty-five dollars per month each; one deputy at a salary of seventy-five dollars per month, and one stenographer and one copyist at a salary of sixty dollars per month each.

County clerk

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: one chief deputy sheriff at a salary of one thousand eight hundred dollars per annum; one courtroom deputy at a salary of

Sheriff.

one thousand two hundred dollars per annum; one deputy sheriff to act as jailer, at a salary of one thousand two hundred dollars per annum. The salaries of the deputies herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of nine hundred dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law; *provided*, that whenever the amount of the fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use, one-half of all such excess.

Auditor.

4. The auditor shall receive two thousand seven hundred dollars per annum, and there is hereby allowed to the auditor three deputies who shall be appointed by the auditor, one who shall be paid one thousand eighty dollars per annum and one who shall be paid one thousand dollars per annum, and one from August fifteenth to October fifteenth inclusive of each year, who shall be paid sixty dollars per month; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event, be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report.

Treasurer.

5. The treasurer shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him who shall receive a salary of six hundred dollars per annum which shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector shall receive two thousand eight hundred dollars per annum; and there shall be and there hereby is allowed to the tax collector one deputy who shall be appointed by the tax collector and shall receive a salary of one hundred dollars per month.

License collector.

7. The license collector shall receive ten per cent of all licenses collected by him.

Assessor.

8. The assessor shall receive four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and assistants to be appointed by said assessor, which positions are hereby created and the salaries of which are hereby fixed as follows: One chief deputy assessor, eighteen hundred dollars per annum; one office deputy assessor, seven hundred twenty dollars per annum; eight field deputy assessors for not exceeding four months in every one year, one hundred

twenty-five dollars each per month: four field deputy assessors for not exceeding three months in every one year, one hundred twenty-five dollars per month; three copyists for not exceeding three months in any one year, eighty dollars per month; and such additional assistants as the assessor may require, and whose compensation shall not in the aggregate, exceed the sum of fifteen hundred dollars per annum, said additional assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for the use in the assessor's office in the performance of his duty, and the expense thereof shall be a charge against the county. It is hereby further provided that the said assessor shall retain no commission for the collection of personal property taxes, state poll taxes or road poll tax, but that all such claims shall be paid into the county treasury and become the property of the county.

9. The district attorney shall receive three thousand six hundred dollars per annum, and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of eighteen hundred dollars per annum, and one stenographer who shall receive a salary of seven hundred twenty dollars per annum.

District attorney.

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

Coroner.

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

Administrator.

12. The superintendent of schools, two thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of nine hundred dollars per annum.

Superintendent of schools.

13. The surveyor shall receive two thousand dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

Surveyor.

14. Each supervisor, twelve hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of one thousand dollars.

Supervisors

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto,

Reporter.

he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

Justices of  
the peace.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of one hundred and twenty-five dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees to wit:

Justices'  
fees

(1) For all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search-warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the general fund of the county treasury.

Constables.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

(1) For serving summons and complaint, for each defendant served, fifty cents. Constables' fees.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpœnas, per folio fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies

(8) For serving any writ, notice or order, except summons, complaint, or subpœna, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpœnas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justices' court or from the county jail to the justices' court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

Constables' fees

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Jurors in superior court.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifteenth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors in justices' courts.

19. The fees of jurors in justices' courts in civil and criminal cases, shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court in going only; in criminal cases such fees and mileage of said trial jurors in the justices' courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payments of the fees herein provided for.

20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 366.

An act to amend sections fourteen hundred ninety, fourteen hundred ninety-three, fourteen hundred ninety-four, fourteen hundred ninety-five, fourteen hundred ninety-six, fourteen hundred ninety-seven, fourteen hundred ninety-eight, fourteen hundred ninety-nine, fifteen hundred, fifteen hundred two, fifteen hundred three, fifteen hundred five, fifteen hundred seven, fifteen hundred ten, fifteen hundred twelve, fifteen hundred thirteen, fifteen hundred fourteen, fifteen hundred sixty-nine, sixteen hundred twenty-two and sixteen hundred twenty-eight of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.

[Approved May 18, 1915 In effect August 8, 1915.]

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

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

1490. Every executor or administrator must, immediately after his letters are issued, cause to be published in some newspaper of the county, if there be one, if not, then in such newspaper as may be designated by the judge or court, a notice to the creditors of the decedent, requiring all persons having claims against said decedent to file them, with the necessary vouchers, in the office of the clerk of the court from which the letters were issued, or to exhibit them, with the necessary vouchers, to the executor or administrator, at the place of his residence or business to be specified in the notice; *provided*, said residence or place of business shall be in the county in which said proceeding is had. Such notice must be published as often as the court or judge shall direct, but not less than once a week for four weeks. The court, or judge may also direct additional notice by publication or posting. In case such executor or administrator resigns, or is removed, before the time expressed in the notice, his successor must give notice only for the unexpired time allowed for such filing or presentation.

Notice to creditors of decedents' estates.

SEC. 2. Section one thousand four hundred ninety-three of the Code of Civil Procedure is hereby amended to read as follows:

1493. All claims arising upon contracts, whether the same be due, not due, or contingent, and all claims for funeral expenses and expenses of the last sickness must be filed or presented within a time limited in the notice, and any claim not so filed or presented is barred forever; *provided, however*, that when it is made to appear by the affidavit of the claimant to the satisfaction of the court, or a judge thereof, that the claimant had no notice as provided in this chapter, by reason of being out of the state, it may be filed or presented at any time

Claims not filed are barred.

before a decree of distribution is entered. A brief description of every claim filed must be entered by the clerk in the register, showing the name of the claimant, the amount and character of the claim, the rate of interest, if any, and the date of filing.

SEC. 3 Section one thousand four hundred ninety-four of the Code of Civil Procedure is hereby amended to read as follows:

Claims  
must be  
sworn to.

1494. Every claim which is due, when filed with the clerk, or presented to the executor or administrator, must be supported by the affidavit of the claimant, or some one in his behalf, that the amount is justly due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant. If the claim be not due when filed or presented, or be contingent, the particulars of such claim must be stated. When the affidavit is made by a person other than the claimant, he must set forth in the affidavit the reason why it is not made by the claimant. The oath may be taken before any officer authorized to administer oaths. The executor or administrator may also require satisfactory vouchers or proofs to be produced in support of the claim. No greater rate of interest shall be allowed upon any claim after its approval by the administrator or executor and judge than is allowed on judgments obtained in the superior court.

SEC. 4 Section one thousand four hundred ninety-five of the Code of Civil Procedure is hereby amended to read as follows:

Judge's  
claim

1495. Any judge of a superior court may file or present a claim against the estate of a decedent pending before him, and if the executor or administrator allows the claim, said judge must in writing, designate some other judge of the superior court of the same or an adjoining county, who, upon the presentation of such claim to him, is vested with power to allow or reject it, and the judge filing or presenting such claim, in case of its rejection by the executor or administrator, or by such judge as shall have acted upon it, has the same right to sue in a proper court for its recovery as other persons have when their claims against an estate are rejected.

SEC. 5. Section one thousand four hundred ninety-six of the Code of Civil Procedure is hereby amended to read as follows:

Claims to  
be allowed  
or rejected

1496. When a claim, accompanied by the affidavit required in this chapter, has been filed with the clerk, the executor or administrator must allow or reject it, and his allowance or rejection thereof must be in writing and filed with the clerk. If the executor or administrator so allow the claim after filing, the clerk must, immediately after the filing of such allowance, present the claim, together with the allowance, to the judge, and must at the time of such presentation endorse on the claim the date thereof. The judge must endorse upon the claim so filed his allowance or rejection, with the date thereof. When a claim, accompanied by the affidavit required in this

chapter, is presented to the executor or administrator before filing, he must endorse thereon his allowance or rejection, with the day and date thereof. If he allow the claim so presented, it must be presented to the judge for his approval, who must in the same manner endorse upon it his allowance or rejection. and, if allowed, it must, within thirty days thereafter, be filed with the clerk. If, where a claim has been filed without presentation, the executor or administrator refuse or neglect to file such allowance or rejection for ten days after the claim has been filed, or if, where a claim has been presented before filing, the executor or administrator refuse or neglect to endorse such allowance or rejection for ten days after the claim has been presented to him, or if the judge refuse or neglect to endorse such allowance or rejection for ten days after the claim has been presented to him, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a rejection on the tenth day; and if the presentation be made before filing by a notary, the certificate of such notary, under seal, shall be prima facie evidence of such presentation and the date thereof. If the claim be filed with the clerk, or presented to the executor or administrator, before the expiration of the time limited for the filing or presentation of claims, the same is filed or presented in time, though acted upon by the executor or administrator, and by the judge, after the expiration of such time. If the claim be payable in a particular kind of money or currency, it shall, if allowed, be payable only in such money or currency. Every claim allowed by the executor or administrator and approved by the judge shall be ranked among the acknowledged debts of the estate, to be paid in due course of administration. The dates of allowance of every such claim, together with the amount allowed, must be entered in the register by the clerk after the allowance thereof by the judge.

SEC. 6. Section one thousand four hundred ninety-seven of the Code of Civil Procedure is hereby amended to read as follows:

1497. If the claim be founded on a bond, bill, note, or any other instrument, the original need not be filed or presented, but a copy of such instrument with all endorsements must be attached to the statement of the claim and filed therewith, and the original instrument must be exhibited, if demanded by the executor or administrator or judge, unless it be lost or destroyed, in which case the claimant must accompany his claim when filed or presented by his affidavit, containing a copy or particular description of such instrument, and stating its loss or destruction. If the claim, or any part thereof, be secured by a mortgage or other lien which has been recorded in the office of recorder of the county in which the land affected by it lies, it shall be sufficient to describe the mortgage or lien, and refer to the date, volume, and page of its record. If, in any case, the claimant has left any original voucher in the hands of the executor or administrator, or suffered the same

Original  
instrument  
need not  
be filed with  
claim

to be filed with the clerk, he may withdraw the same, when a copy thereof has been already, or is then, attached to his claim.

SEC. 7. Section one thousand four hundred ninety-eight of the Code of Civil Procedure is hereby amended to read as follows:

Notice of  
rejection of  
claim.

1498. When a claim is rejected either by the executor or administrator, or a judge of the superior court, written notice of such rejection shall be given by the executor or administrator to the holder of such claim or to the person filing or presenting the same, and the holder must bring suit in the proper court against the executor or administrator within three months after the date of service of such notice if the claim be then due, or within two months after it becomes due, otherwise the claim shall be forever barred.

SEC. 8. Section one thousand four hundred ninety-nine of the Code of Civil Procedure is hereby amended to read as follows:

Claims  
barred by  
statute.

1499. No claim must be allowed by the executor or administrator, or by a judge of the superior court, which is barred by the statute of limitations. When a claim is presented to a judge for his allowance, he may, in his discretion, examine the claimant and others, on oath, and hear any legal evidence touching the validity of the claim. No claim against any estate, which has been filed and allowed, or presented and allowed, is affected by the statute of limitations, pending the proceedings for the settlement of the estate.

SEC. 9. Section one thousand five hundred of the Code of Civil Procedure is hereby amended to read as follows:

Actions on  
claims.

1500. No holder of any claim against an estate shall maintain any action thereon, unless the claim is first filed with the clerk, or presented to the executor or administrator, except in the following case: An action may be brought by any holder of a mortgage or lien to enforce the same against the property of the estate subject thereto, where all recourse against any other property of the estate is expressly waived in the complaint; but no counsel fees shall be recovered in such action unless such claim be so filed or presented.

SEC. 10. Section one thousand five hundred two of the Code of Civil Procedure is hereby amended to read as follows:

Action  
pending at  
decendent's  
death.

1502. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk, or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had in the action unless proof be made of such filing or presentation.

SEC. 11. Section one thousand five hundred three of the Code of Civil Procedure is hereby amended to read as follows:

Allowance  
in part.

1503. Whenever the executor or administrator or the judge shall act upon any claim that may be filed with the clerk, or presented to the executor or administrator, and is willing to allow the same in part, he must state in his allowance

the amount he is willing to allow. If the creditor refuse to accept the amount allowed in satisfaction of his claim, he shall recover no costs in any action therefor brought against the executor or administrator, unless he recover a greater amount than that offered to be allowed.

SEC. 12. Section one thousand five hundred five of the Code of Civil Procedure is hereby amended to read as follows:

1505. When any judgment has been rendered for or against the testator or intestate in his lifetime, no execution shall issue thereon after his death, except as provided in section six hundred eighty-six. A judgment against the decedent for the recovery of money must be filed with the clerk, or presented to the executor or administrator, like any other claim. If execution is actually levied upon any property of the decedent before his death, the same may be sold for the satisfaction thereof; and the officer making the sale must account to the executor or administrator for any surplus in his hands. A judgment creditor having a judgment which was rendered against the testator or intestate in his lifetime, may redeem any real estate of the decedent from any sale under foreclosure or execution, in like manner and with like effect as if the judgment debtor were still living.

Judgment  
against  
decedent.

SEC. 13. Section one thousand five hundred seven of the Code of Civil Procedure is hereby amended to read as follows:

1507. If the executor or administrator doubts the correctness of any claim presented to him or filed with the clerk, he may enter into an agreement in writing with the claimant to refer the matter in controversy to some disinterested person, to be approved by the superior court, or a judge thereof. Upon filing the agreement and approval of such court or judge, in the office of the clerk of the court for the county in which the letters testamentary or of administration were granted, the clerk must enter a minute of the order referring the matter in controversy to the person so selected, or, if the parties consent, a referee may be had in the court; and the report of the referee, if confirmed, establishes or rejects the claim the same as if it had been allowed or rejected by the executor or administrator and judge.

Disputed  
claim may  
be referred  
to referee.

SEC. 14. Section one thousand five hundred ten of the Code of Civil Procedure is hereby amended to read as follows:

1510. If the executor or administrator is a creditor of the decedent, his claim duly authenticated by affidavit shall be filed with the clerk, and must be presented by the clerk for allowance or rejection to the judge, who shall allow or reject it, and its allowance by the judge is sufficient evidence of its correctness, and it must be paid as other claims in due course of administration. If, however, the judge reject the claim, action thereon may be had against the estate by the claimant, and summons must be served upon the judge, who may appoint an attorney, at the expense of the estate, to defend the action. If the claimant recover no judgment, he must pay all costs, including defendant's reasonable attorneys fees, to be fixed by the court.

Executor's  
claim.

SEC. 15. Section one thousand five hundred twelve of the Code of Civil Procedure is hereby amended to read as follows:

Statement  
of claims  
against  
estate.

1512. At the same time at which he is required to return an inventory, the executor or administrator must also return a statement of all claims against the estate which have been filed with the clerk, or presented to the executor or administrator if so required by the court, or a judge thereof, and from time to time thereafter he must present a statement of claims subsequently so filed or presented, if so required by the court, or a judge thereof. In all such statements he must designate the names of the creditors, the nature of each claim, when it became due, or will become due, and whether it was allowed or rejected by him, or not yet acted upon.

SEC. 16. Section one thousand five hundred thirteen of the Code of Civil Procedure is hereby amended to read as follows:

Payment  
of debts  
bearing  
interest.

1513. If there be any debt of the decedent bearing interest, whether filed or not, or whether presented or not, the executor or administrator may, by order of the court, pay the amount then accumulated and unpaid, or any part thereof, at any time when there are sufficient funds properly applicable thereto, whether said claim be then due or not; and interest shall thereupon cease to accrue upon the amount so paid. This section does not apply to existing debts unless the creditor consent to accept the amount

SEC. 17. Section one thousand five hundred fourteen of the Code of Civil Procedure is hereby amended to read as follows:

When  
claimant  
can not be  
found

1514. Whenever any claim has been filed or presented and shall have been approved by the executor or administrator and by the judge, but the same has not been paid, and the estate is in all other respects ready to be closed, if it be made to appear to the satisfaction of the court or judge, by affidavit, or by testimony taken in open court, that the same can not be, and has not been, paid because the claimant can not be found, the court or judge shall make an order fixing the amount of said claim, with interest, if any, and directing the executor or administrator to deposit the amount with the county treasurer of the county in which the estate is being probated, who shall give a receipt for the same, and who shall be liable upon his official bond therefor. Such executor or administrator shall at once make the deposit in accordance with such order of court and shall forthwith proceed to close up and settle such estate. Upon the final settlement of his accounts, the receipt of such treasurer shall be received as a proper voucher for the payment of such claim, and shall have the same force and effect as if executed by such claimant. When the amount so deposited is not claimed within five years the court or judge, upon such showing by the affidavit of the county treasurer, must direct the same to be deposited in the state treasury for the benefit of such claimant, or his legal representative to be paid to him whenever, within five years after such deposit, proof to the satisfaction of the state controller and state treasurer is produced that he is entitled thereto. When so claimed,

After five  
years  
amount  
deposited  
in state  
treasury.

the evidence and the joint order of the controller and treasurer must be filed by the treasurer as his voucher, and the amount of the claim paid to the claimant, or his legal representative, on filing the proper receipt. If no one claims the amount, as herein provided, the claim devolves and escheats to the people of the State of California and shall be placed by the state treasurer to the credit of the school fund. This section shall be applicable to any and all estates now pending in which a decree of final discharge has not been granted.

SEC. 18. Section one thousand five hundred sixty-nine of the Code of Civil Procedure is hereby amended to read as follows:

1569. When any sale is made by an executor or administrator, pursuant to the provisions of this chapter, of lands subject to any mortgage or other lien, which is a valid claim against the estate of the decedent, and has been filed and allowed, or presented and allowed, the purchase-money must be applied, after paying the necessary expenses of the sale, first, to the payment and satisfaction of the mortgage or lien, and the residue, if any, in due course of administration. The application of the purchase-money to the satisfaction of the mortgage or lien must be made without delay; and the land is subject to such mortgage or lien until the purchase-money has been actually so applied. No claim against any estate, which has been filed and allowed, or presented and allowed, is affected by the statute of limitations, pending the proceedings for the settlement of the estate. The purchase-money, or so much thereof as may be sufficient to pay such mortgage or lien, with interest, and any lawful costs and charges thereon, may be paid into the court, to be received by the clerk thereof, whereupon the mortgage or lien upon the land must cease, and the purchase-money must be paid over by the clerk of the court without delay, in payment of the expenses of sale, and in satisfaction of the debt to secure which the mortgage or other lien was taken, and the surplus, if any, at once returned to the executor or administrator, unless for good cause shown, after notice to the executor or administrator, the court otherwise directs.

Satisfaction of mortgage

Claim filed not affected by statute of limitations

SEC. 19. Section one thousand six hundred twenty-two of the Code of Civil Procedure is hereby amended to read as follows:

1622. When required by the court, either upon its own motion or upon the application of any person interested in the estate, the executor or administrator must render an exhibit under oath, showing the amount of money received and expended by him, the amount of all claims filed or presented against the estate, and the names of the claimants, and all other matters necessary to show the condition of its affairs.

Executor's exhibit of money received, etc.

SEC. 20. Section one thousand six hundred twenty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Executor's  
report

1628. Within thirty days after the expiration of the time mentioned in the notice to creditors within which claims must be filed or exhibited every executor or administrator must render a full account and report of his administration. If he fails to present his account the court or judge must compel the rendering of the account by attachments, and any person interested in the estate may apply for and obtain an attachment; but no attachment must issue unless a citation has been first issued, served and returned, requiring the executor or administrator to appear and show cause why an attachment should not issue. Every account must exhibit all debts which have been filed and allowed during the period embraced in the account.

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#### CHAPTER 367.

*An act to amend section six hundred fifty-five of the Political Code, relating to the state board of control.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1 Section six hundred fifty-five of the Political Code is hereby amended to read as follows:

Salary of  
board of  
control.

655. The members of the state board of control shall each receive a salary of five thousand dollars per annum, and the secretary a salary of thirty-six hundred dollars per annum. All such salaries shall be paid at the same time and in the same manner as the salaries of state officers are paid. The board shall have the power to employ the necessary clerical and expert assistants in addition to statutory employees, and to fix the compensation of all statutory and other employees.

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#### CHAPTER 368.

*An act to amend an act entitled, "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a cut through Knight's Landing ridge, and the construction of a canal leading therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds," approved April 30, 1913, by amending section one of said act, and making the description more certain, amending section six of said act in reference to the certifying and depositing of a certified copy of assessment, amending*

*section seven of said act in reference to the lien of said assessment, and also amending the said section seven in regard to the collection of the assessments, issuance of warrants and the payment of all moneys that may be collected into the county treasury of Yolo county.*

[Approved May 18, 1915. In effect August 8, 1915]

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

SECTION 1 Section one of an act of the legislature of the State of California entitled, "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by making of a cut through Knight's Landing ridge, and the construction of a canal leading therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds." approved April 30, 1913, is hereby amended to read as follows:

Section 1. A drainage district is hereby created to be known and designated "Knight's Landing Ridge Drainage District," the boundaries of which said district shall be as follows:

Knight's  
landing  
ridge drain-  
age district  
created

Beginning at a point which is the intersection of the township line dividing township twelve north, range one east and township thirteen north, range one east, Mt. Diablo base and meridian, and the right or west bank of the Sacramento river, said point being on the boundary line between the counties of Colusa and Yolo, State of California; and thence southeasterly along and with the said right or west bank of the said Sacramento river, to the intersection with the east boundary line of section twelve in township twelve north, range one east; thence south along the east line of said section twelve to its intersection with the right bank of said Sacramento river; thence southeasterly along the right or west bank of said Sacramento river to its intersection with the quarter-section line running north and south through the center of section thirty-two, township eleven north, range three east, Mount Diablo base and meridian; thence south to the center of section eight, township ten north, range three east, Mount Diablo base and meridian; thence west to the quarter-section corner common to section seven, township ten north, range three east and section twelve, township ten north, range two east; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section twelve; thence west to the east line of section eleven, township ten north, range two east; thence north to the section corner common to sections one, two, eleven and twelve, township ten north, range two east; thence west to the southwest corner of the southeast quarter of the

Boundaries southeast quarter of said section two; thence north to the center of the southeast quarter of said section two; thence west to the center of the southwest quarter of said section two; thence north to the mid-section line running east and west through the said section two; thence west to the east line of section three, township ten north, range two east; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section three; thence west to the center of the northeast quarter of said section three; thence north to the center of the southeast quarter of section thirty-four, township eleven north, range two east; thence west to the mid-section line running north and south through said section thirty-four; thence north to the center of said section thirty-four; thence west to the southwest corner of the southeast quarter of the northwest quarter of said section thirty-four; thence north to the mid-section line running east and west through section twenty-seven, township eleven north, range two east; thence east to the center of said section twenty-seven; thence north to the south line of section twenty-two, township eleven north, range two east; thence east to the southwest corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the mid-section line running east and west through the said section twenty-two; thence east to the west line of section twenty-three, township eleven north, range two east; thence north to the northeast corner of said section twenty-two; thence west to the northwest corner of said section twenty-two; thence north to the one-fourth section corner between sections fifteen and sixteen, said township and range; thence west to the one-fourth section corner between sections seventeen and eighteen, said township and range; thence north to the northeast corner of the southeast quarter of the northeast quarter of section eighteen; thence west to the center of the northeast quarter of the said section eighteen; thence north to the center of the southeast quarter of section seven, township eleven north, range one east; thence west to the center of the southwest quarter of the said section seven; thence north to the center of the northwest quarter of the said section seven; thence west to range line between ranges one and two east and the southwest corner of said northwest quarter of the northwest quarter of said section seven; thence south along the range line to the southeast corner of section twelve in township eleven north, range one east, Mount Diablo base and meridian; thence west, one and one-half miles to the quarter section corner between sections eleven and fourteen in said last mentioned township and range; thence north, through the center of said section eleven, to the quarter section corner between said section eleven and section two in said last mentioned township and range; thence west one mile to the quarter section corner between sections three and ten, said last mentioned township and range; thence north one mile through the center of said section three to the township line between townships eleven

and twelve north, and to the quarter section corner between Boundaries. section three in said township eleven and section thirty-four in said township twelve north, range one east; thence west one mile to the quarter section corner between section four in township eleven north and section thirty-three in township twelve north, range one east; thence north no degrees, fifty minutes east to a point nine hundred eighty-four and three-tenths feet south of the center of said section thirty-three, in township twelve north, range one east; thence north eighty-one degrees, fifty-nine minutes west twenty-six hundred and eighty and four-tenths feet to the line between sections thirty-two and thirty-three, in said last mentioned township and range; thence south along said line, to the southeast corner of said section thirty-two; thence west one mile to the southwest corner of said section thirty-two; thence north, along the section line between sections thirty-one and thirty-two in said township and range to a point seven hundred and forty-six and two-tenths feet north of the quarter section corner between said sections thirty-one and thirty-two; thence north thirty-one degrees, fourteen minutes thirty seconds west, eleven thousand five hundred and twenty-seven and one-tenth feet to a point six hundred feet west of the quarter section corner between sections nineteen and twenty-four, and townships one east and one west; thence parallel with the meridian line north no degrees four minutes east to the north boundary line of section one, in said township twelve north, range one west, and the line between the counties of Yolo and Colusa; thence, northeasterly in a straight line to the northeast corner of the southeast quarter of section thirty-six, in township thirteen north, range one west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section thirty-six; thence continuing north to an intersection with a line running parallel with and five hundred feet westerly from the westerly base of "Howell Point" levee, which point of intersection is one and ninety-six hundredths chains south of the northeast corner of section twenty-five in said township thirteen north, range one west, Mount Diablo meridian; thence north thirty-one degrees, forty-five minutes west, parallel with and five hundred feet westerly of the base of said "Howell Point" levee, sixty-six and ninety-six hundredths chains; thence north forty-eight degrees, fifteen minutes west, to an intersection with the south line of section eleven, said last mentioned township and range at a point one and sixty-four hundredths chains east of the southwest corner of said section eleven; thence west one and sixty-four hundredths chains to the southwest corner of section eleven; thence (variation eighteen degrees, thirty minutes east) north no degrees, seven minutes east, three and ninety-three hundredths chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to Reclamation District No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of

**Boundaries.** Colusa, on the thirty-first day of March, 1903, in book fifty-five of deeds at page five hundred fourteen; thence (variation eighteen degrees, thirty minutes east) north forty-two degrees, twenty-seven minutes west, along the western boundary of said last mentioned tract, one hundred and four and twenty-four hundredths chains to a stake on the line between sections three and ten said last mentioned township and range, at a point fourteen and twenty-nine hundredths chains east of the northwest corner of said section ten; thence west, along the line between said sections three and ten to the said northwest corner of said section ten; thence north, on the line between sections three and four in said last mentioned township and range, fifteen and sixty hundredths chains to the westerly boundary of a certain tract of land over which Andrew Hopkins granted to Reclamation District No. 108 a right of way by deed recorded in the office of the county recorder of Colusa county, on the thirty-first day of August, 1906, in book "sixty-two" of deeds, at page one hundred and two; thence north forty-two degrees, twenty-seven minutes west, forty-three and twenty-nine hundredths chains to an intersection with the north boundary line of land now owned by Andrew Hopkins in section four; thence, continuing on same course, forty-three and eleven hundredths chains to township line between townships thirteen and fourteen north, range one west, at a point seven and twenty-seven hundredths chains west of the quarter section corner between said section four and section thirty-three in township fourteen north, range one west; thence west to the quarter section corner between section five, township thirteen north, range one west, and section thirty-two in township fourteen north, range one west, Mount Diablo base and meridian; thence north to the center of section twenty-nine, township fourteen north, range one west; thence east to the center of section twenty-seven in said township and range; thence north to the center of the south half of section twenty-two, said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the quarter section corner between sections twenty-two and twenty-three; thence east to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four; thence east to the center of the northwest quarter of said section twenty-four; thence north to the south line of section thirteen, same township and range; thence west to the southwest corner of said section thirteen; thence north to the quarter section corner between sections thirteen and fourteen, same township and range; thence east, through the center of said section thirteen to the quarter section corner between sections thirteen and eighteen on the meridian line between ranges one west and one east; thence south along the meridian line, and east boundary of said sections thirteen and twenty-four to the southwest corner of the northwest quarter of the northwest

quarter of section nineteen in township fourteen north, range one east, Mount Diablo meridian; thence east to the midsection line running north and south through the center of said section nineteen; thence south to the southeast corner of the northeast quarter of the northwest quarter of section thirty, in said township and range; thence west to the center of the northwest quarter of said section thirty; thence south to the midsection line running east and west through said section thirty; thence east to the center of said section thirty; thence south to the southwest corner of the northwest quarter of the northeast quarter of section thirty-one; thence east to the center of the northeast quarter of said section thirty-one; thence south to the midsection line running east and west through said section thirty-one; thence east to the east line of said section thirty-one; thence north to the southeast corner of the northeast quarter of the southeast quarter of said section thirty, thence west to the center of the southeast quarter of said section thirty; thence north to the midsection line running east and west through the center of said section thirty; thence east to the east line of said section thirty; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section thirty; thence east to the midsection line running north and south through the center of section twenty-nine, same township and range; thence north to the north line of said section twenty-nine; thence east to the northeast corner of the northwest quarter of the northeast quarter of said section twenty-nine; thence south to the midsection line running east and west through the center of said section twenty-nine; thence east to the center of section twenty-eight in said township fourteen north, range one east; thence south to the southeast corner of the northeast quarter of the southwest quarter of section thirty-three, said township and range; thence west to the center of the southwest quarter of said section thirty-three; thence north to the midsection line running east and west through the center of said section thirty-three; thence west to the west line of said section thirty-three; thence south to the southwest corner of section thirty-three; thence east to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-three; thence south to the center of the northwest quarter of section four in township thirteen north, range one east, Mount Diablo meridian; thence west to the west line of said section four; thence south to the quarter section corner between sections four and five in said last mentioned township and range; thence east to the southeast corner of the southwest quarter of the northwest quarter of said section four; thence north to the center of the northwest quarter of said section four; thence east to the east line of said section four; thence north to the northeast corner of said section four and the township line; thence easterly, southerly, and westerly through the Jimeno rancho the following courses and distances following the section lines and fractional section lines as delineated and so designated on that certain map

Boundaries.

Boundaries.

entitled "Plat of the Jimeno rancho finally confirmed to Thos. O. Larkin and Jno. S. Missroon," filed in the United States surveyor general's office, San Francisco, California, March 26, 1861, south eighty-nine degrees forty-seven minutes east seven thousand nine hundred and twenty feet along the township line between townships thirteen and fourteen north, range one east, Mount Diablo base and meridian, to the quarter section corner between sections thirty-five in township fourteen north, range one east, and section two in township thirteen north, range one east, Mount Diablo base and meridian, south no degrees eight minutes east two thousand six hundred thirty-five and five-tenths feet to the center of said section two, east two thousand six hundred forty feet to the east line of said section two, south no degrees twenty minutes east, five thousand three hundred twelve and six-tenths feet to the quarter section corner between sections eleven and twelve in said township thirteen north, range one east, north eighty-nine degrees fifty minutes west, one thousand three hundred twenty and three-tenths feet to the center of the east half of said section eleven: south two thousand six hundred forty-seven feet to the south line of said section eleven: north eighty-nine degrees fifty-three minutes west one thousand three hundred twenty-four feet to the quarter section corner between sections eleven and fourteen in said township and range; south no degrees fifteen minutes west two thousand six hundred fifty-six and five-tenths feet to the center of said section fourteen; west two thousand six hundred forty-one feet to the west line of said section fourteen; south no degrees twenty-nine minutes west two thousand six hundred forty-two and nine-tenths feet to the southwest corner of said section fourteen; north eighty-nine degrees fifty-seven minutes west one thousand three hundred twenty and three-tenths feet to the southwest corner of the southeast quarter of the southeast quarter of section fifteen, said township and range; south ten thousand six hundred seven and four-tenths feet to the south line of section twenty-seven, said township and range; south eighty-nine degrees fifty-seven minutes west one thousand two hundred twenty-seven and one-tenth feet to the quarter section corner between sections twenty-seven and thirty-four, said township and range; south two degrees forty minutes east five thousand three hundred eighty-four and five-tenths feet through the center of said section thirty-four to the south line of said section thirty-four, and the township line between townships twelve and thirteen north, said township line, being also the boundary line between the counties of Colusa and Yolo, State of California; thence east along the township line to the point of beginning, and being in the counties of Colusa and Yolo, State of California.

The land included within the aforesaid exterior boundaries is the same land included within the exterior boundaries set forth in section one of the said act entitled "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a

cut through Knight's Landing ridge, and the construction of a canal leading therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds, approved April 30, 1913." Boundaries

SEC. 2. Section six of an act of the legislature of the State of California entitled, "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a cut through Knight's Landing ridge, and the construction of a canal leading therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds." approved April 30, 1913, is hereby amended to read as follows:

Sec. 6. The said reclamation board shall upon receipt of plans and estimates, as above set forth, appoint three assessors, who shall be disinterested persons, and who shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the land within said drainage district the said sum so estimated by the board of drainage commissioners, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed, by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known or if unknown, that fact; the amount of the charge assessed against each tract. No mistake in the name of the owner or supposed owner, of any real estate shall invalidate the assessment. Said lists, when completed, shall be filed with the clerk of the board of supervisors of the county of Yolo, State of California. The said board of supervisors shall appoint a time when it will meet for the purpose of hearing objections to said assessment, and notice of such hearing shall be given by publication for four weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file written Assessors

Hearing.

objections to such assessments with the clerk of said board of supervisors stating the grounds of such objections, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the said board of supervisors shall hear such evidence as may be offered in support of said written objection, and may modify or amend the assessment in any particular, or make a reapportionment of the entire assessment. If the amount of any assessment in said list shall be changed, the said board of supervisors shall set a day for hearing objections to said assessment as changed, and shall give notice thereof by publication for four weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At such hearing objections in writing may be made by any person interested, and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed, the said board of supervisors shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved. The said board of supervisors shall then make an order approving said assessment, and shall endorse such order upon such assessment list, which said endorsement shall be signed by the chairman of said board of supervisors and attested by the clerk thereof, and such decision of said board of supervisors shall be final, and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law, except in an action commenced, as hereinafter provided. Immediately after the approval of said assessment the order approving same shall, by the clerk of said board of supervisors, be deposited in the office of the county treasurer of Yolo county, and a copy of said assessment list and of the said order approving the same, endorsed thereon, shall be certified by the said clerk of the board of supervisors, and deposited by said clerk in the office of the treasurer of Colusa county. Any person aggrieved by the decision of the said board of supervisors may commence an action in the superior court of the county in which the greater part of said district is situated, to have said assessment corrected, modified or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer of the county in which the land affected is situated. If said action shall not be commenced within said thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

If amount  
be changed

Order  
approving

Action in  
superior  
court.

SEC 3 Section seven of an act of the legislature of the State of California entitled "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a cut through Knight's Landing ridge, and the construction of a canal lead-

ing therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds," approved April 30, 1913, is hereby amended to read as follows:

Sec. 7. From and after the filing of the original list with the county treasurer of Yolo county, and from and after the filing of a certified copy of the list with the treasurer of Colusa county, the charges assessed upon any tract of land within each respective county shall constitute a lien thereon, and shall impart notice thereof to all persons. No subsequent act or conduct of the commissioners shall invalidate said assessment or lien, but such commissioners may be compelled by mandate or other proper proceeding to perform their duties, as required by law. The list thus prepared and filed must remain in the offices of the respective treasurers for thirty days from such filing, or longer if ordered by the board of drainage commissioners, and during the time they so remain, any person may pay the amount of the charge assessed against any tract of land to the treasurer of the county in which such tract is situated in gold coin of the United States, or in warrants of the district. All sums so paid must be placed by the said respective treasurers to the credit of the drainage district, and at the end of said thirty days, the said treasurer of Colusa county shall transmit to the said treasurer of Yolo county all moneys collected by him, and the latter shall place the same to the credit of said drainage district, and the same shall be paid out by said treasurer of Yolo county upon warrants issued by the board of commissioners of the drainage district. All warrants that may be paid upon assessments to the treasurer of said Colusa county, at the end of said thirty days, shall be endorsed by him as being received upon assessments, and shall be transmitted by him to the treasurer of the county of Yolo, and the latter shall cancel the same, and, likewise, all warrants that may have been paid to him upon the said assessments during the said period of thirty days. At the end of thirty days, unless otherwise ordered by the board of drainage commissioners, the treasurers must return the lists to the board of commissioners of the district, and all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum, and shall be collected and paid in separate installments, of such amounts and at such time, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be

Charges constitute lien.

Funds in county treasury.

Unpaid assessments bear interest

Delinquent

Assessment  
to pay  
warrants.

added thereto, and collected for the use of the district; *provided, further*, that the commissioners must on the first day of January of each year, except when bonds shall have been issued on the assessment, order the collection of a sufficient amount of said assessment to pay all warrants that have been issued and outstanding for a period of two years or more, together with the interest on such warrants. Immediately after the said installment has become delinquent, the board of drainage commissioners must publish a notice at least once each week for three weeks in some newspaper of general circulation published in the county or counties in which any land upon which such installment may be delinquent is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such be the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, at such place in said district as the board of commissioners may in said notice designate, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the commissioners must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the commissioners must pay the amount of said installment with the accrued interest thereon and the penalty herein provided for to the county treasurer of the county of Yolo who shall place the same in the proper funds of said district, and the commissioners must pay to the owner of said property any surplus remaining after such payment to said county treasurer. The commissioners may postpone said sale from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the commissioners to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land sold is situated, or if situated in two counties, then in the office of the county recorder of each thereof. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer of Yolo county the amount of said installment with the accrued interest and penalty, and interest on the said sums at the rate of two per cent per month from the date of said sale.

Property  
sold.

Certificate  
of sale

Redemption

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said com-

missioners, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the liens of assessments now levied or which may hereafter be levied by any of the reclamation districts situate within said drainage district, and the unpaid balance of said assessment, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where said property shall have been deceded to the district and shall not have been sold by the commissioners, the same shall not be offered for sale for subsequent installments of said assessments so long as the district shall remain the owner of said property, but the commissioners may sell said property at any time at public auction after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes, the lien of any assessments levied or which may hereafter be levied by any reclamation district within said drainage district and the unpaid balance of said assessment.

In all cases where an assessment shall hereafter be levied for drainage purposes on the lands embraced within said drainage district, if, for any reason, any tract or tracts of land shall not have been charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said lands from the drainage works, for which said former assessment was levied, bears to the whole amount of said former assessment; or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of drainage. Such re-assessment shall be made by assessors appointed by the reclamation board, as provided by this act, and must be made and approved in the same manner as other assessments. The assessors appointed by the reclamation board must make a list of the charges assessed against each tract of land; and, if there be any error or mistake in the description of the land or in the name of the owner, or if any land which should be assessed has been, or shall be, omitted from the list, or if there is any error or mistake in any other respect, the said assessors may amend or correct the same at any time before the filing of such list with the clerk of the board of supervisors as hereinbefore provided. Where payment is made in warrants of the district, legal interest must be computed thereon from the date thereof to the time of such payment, when said warrants must be surrendered to the county treasurer of the county of Yolo and by him canceled.

All installments of assessment, after the original list and the certified copy thereof have been returned by the respective county treasurers to the board of drainage commissioners, that

Land not  
charged to  
be assessed  
later

Payment of  
install-  
ments.

may be called in, shall be paid to the secretary of said board of drainage commissioners, and the same and also all proceeds from any delinquent sale shall be paid into the county treasury of the county of Yolo, and be placed by the treasurer thereof to the credit of said district, and paid out upon warrants issued by the board of drainage commissioners; *provided, however*, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a separate fund and for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessments for any purpose other than the payment of the principal and interest of such bonds. At any time an assessment on any tract of land may be paid in full, notwithstanding the same has not been called in by the board of drainage commissioners.

Funds  
deposited  
in county  
treasury.

All moneys received from any source by the board of drainage commissioners shall be paid by the said board, or the secretary thereof, into the county treasury of Yolo county, and be placed by the treasurer to the credit of the district, and paid out upon the warrants of the board of drainage commissioners in the manner hereinbefore provided. That on the first Monday of each month the county treasurer of Colusa county shall transmit to the county treasurer of Yolo county all moneys that may be in his hands to the credit of Knight's Landing Ridge drainage district arising from any source, and, likewise, all warrants that may be delivered in payment of any assessment, and all such moneys shall thereupon be placed to the credit of said district by said county treasurer of Yolo county.

CHAPTER 369.

*An act approving, confirming and declaring valid the creation, formation and organization of reclamation district number one hundred eight, created by that certain act of the legislature of the State of California entitled, "An act legalizing the consolidation and reorganization of reclamation district number seven hundred twenty-nine with reclamation district number one hundred eight, in the counties of Yolo and Colusa; fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith," approved April 23, 1913, and all acts and proceedings of said district and the boards of trustees thereof, and also more clearly defining the exterior boundaries of said district.*

[Approved May 18, 1915 In effect August 8, 1915 ]

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

SECTION 1 The creation, formation and organization of reclamation district No. 108, created by that certain act of the legislature of the State of California entitled, "An act legalizing the consolidation and reorganization of reclamation district No. 729 with reclamation district No. 108, in the counties of Yolo and Colusa; fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith," approved April 23, 1913, and all acts and proceedings of said district and the board of trustees thereof are hereby approved, confirmed and declared valid.

Creation of reclamation district No. 108 confirmed

SEC. 2 The exterior boundaries of said reclamation district No. 108 are more clearly defined as follows, to wit:

Boundaries.

Commencing at a point on the right bank of the Sacramento river at a point from whence an oak tree thirty inches in diameter standing two hundred seventy feet southerly from the center of an Indian mound bears south  $43\frac{1}{4}^{\circ}$  west six hundred forty feet distant, and which point is the northwest corner of reclamation district No. 787, in the county of Yolo, State of California; thence south  $43\frac{1}{4}^{\circ}$  west, along the westerly boundary line of reclamation district No. 787, to said oak tree thirty inches in diameter, situated two hundred seventy feet southerly from the center of said Indian mound; thence south  $43\frac{1}{2}^{\circ}$  west, along said boundary of reclamation district 787, to an oak tree four feet in diameter, having an eight inch wire nail in the north side; thence continuing along said boundary of said district south  $14^{\circ}$  west, about nine thousand

*Boundaries.* two hundred fifty feet to a point one quarter of a mile west of the center of section six in township eleven north, range two east Mount Diablo base and meridian; thence south three-fourths of a mile to the southeast corner of the northwest quarter of the northwest quarter of section seven in said last mentioned township and range; thence west to range line between ranges one and two east, and the southwest corner of said northwest quarter of the northwest quarter of said section seven; thence south, along the range line to the southeast corner of section twelve in township eleven north, range one east, Mount Diablo base and meridian; thence west, one and one-half miles to the quarter section corner between sections eleven and fourteen in said last mentioned township and range; thence north, through the center of said section eleven to the quarter section corner between said section eleven and section two in said last mentioned township and range, thence west one mile to the quarter section corner between sections three and ten, said last mentioned township and range; thence north one mile through the center of said section three to the township line between townships eleven and twelve north, and to the quarter section corner between section three in said township eleven and said section thirty-four in township twelve north, range one east; thence west one mile to the quarter section corner between section four in township eleven north and section thirty-three in township twelve north, range one east; thence north 50' east to a point nine hundred eighty-four and three-tenths feet south of the center of said section thirty-three in township twelve north, range one east; thence north  $81^{\circ} 59'$  west twenty-six hundred and eighty and four-tenths feet to the line between sections thirty-two and thirty-three, in said last mentioned township and range; thence south, along said line, to the southeast corner of said section thirty-two; thence west one mile to the southwest corner of said section thirty-two; thence north, along the section line between sections thirty-one and thirty-two in said township and range to a point seven hundred and forty-six and two-tenths feet north of the quarter section corner between said sections thirty-one and thirty-two; thence north  $31^{\circ} 14' 30''$  west, eleven thousand five hundred and twenty-seven and one-tenth feet to a point six hundred feet west of the quarter section corner between sections nineteen and twenty-four, and townships one east and one west; thence parallel with the meridian line north  $0^{\circ} 4'$  east to the north boundary line of section one in said township twelve north, range one west, and the line between the counties of Yolo and Colusa; thence northeasterly in a straight line to the northeast corner of the southeast quarter of section thirty-six in township thirteen north, range one west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section thirty-six; thence continuing north to an intersection with a line running parallel with and five hundred feet westerly from the westerly base of "Howell Point" levee, which point of intersection is one and

sixty-six hundredths chains south of the northeast corner of Boundaries. section twenty-five in said township thirteen north, range one west, Mount Diablo meridian; thence north  $31^{\circ} 45'$  west, parallel with and five hundred feet westerly of the base of said "Howell Point" levee sixty-six and ninety-six hundredths chains; thence north  $48^{\circ} 15'$  west, to an intersection with the south line of section eleven said last mentioned township and range, at a point one and sixty-four hundredths chains east of the southwest corner of said section eleven; thence west one and sixty-four hundredths chains to the southwest corner of section eleven; thence (variation  $18^{\circ} 30'$  east) north  $7'$  east, three and ninety-three hundredths chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to reclamation district No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of Colusa, on the thirty-first day of March, 1903, in book fifty-five of deeds at page five hundred fourteen; thence (variation  $18^{\circ} 30'$  east) north  $42^{\circ} 27'$  west, along the western boundary of said last mentioned tract, one hundred and four and twenty-four hundredths chains to a stake on the line between sections three and ten said last mentioned township and range, at a point fourteen and twenty-nine hundredths chains east of the northwest corner of said section ten; thence west, along the line between said sections three and ten to the said northwest corner of said section ten; thence north, on the line between sections three and four in said last mentioned township and range, fifteen and sixty hundredths chains to the westerly boundary of a certain tract of land over which Andrew Hopkins granted to reclamation district No. 108 a right of way by deed recorded in the office of the county recorder of Colusa county, on the thirty-first day of August, 1906, in book sixty-two of deeds, at page one hundred and two; thence north  $42^{\circ} 27'$  west, forty-three and twenty-nine hundredths chains, to an intersection with the north boundary line of land now owned by Andrew Hopkins in section four; thence continuing on same course, forty-three and eleven hundredths chains to township line between townships thirteen and fourteen north, range one west, at a point seven and twenty-seven hundredths chains west of the quarter section corner between said section four and section thirty-three in township fourteen north, range one west; thence west to the quarter section corner between sections five, township thirteen north, range one west, and section thirty-two in township fourteen north, range one west, Mount Diablo base and meridian; thence north to the center of section twenty-nine, township fourteen north, range one west; thence east to the center of section twenty-seven said township and range; thence north to the center of the south half of section twenty-two, said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section twenty-two; thence north to the quarter

**Boundaries.** section corner between sections twenty-two and twenty-three; thence east to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four; thence east to the center of the northwest quarter of said section twenty-four; thence north to the south line of section thirteen same township and range; thence west to the southwest corner of said section thirteen; thence north to the quarter section corner between sections thirteen and fourteen, same township and range; thence east, through the center of said section thirteen to the quarter section corner between sections thirteen and eighteen on the meridian line between ranges one west and one east; thence south along the meridian line, and east boundary of said section thirteen and twenty-four to the southwest corner of the northwest quarter of the northwest quarter of section nineteen in township fourteen north, range one east, Mount Diablo meridian; thence east to the midsection line running north and south through the center of said section nineteen; thence south to the southeast corner of the northeast quarter of the northwest quarter of section thirty, said township and range; thence west to the center of the northwest quarter of said section thirty; thence south to the midsection line running east and west through said section thirty; thence east to the center of said section thirty; thence south to the southwest corner of the northwest quarter of the northeast quarter of section thirty-one; thence east to the center of the northeast quarter of said section thirty-one; thence south to the midsection line running east and west through said section thirty-one; thence east to the east line of said section thirty-one; thence north to the southeast corner of the northeast quarter of the southeast quarter of said section thirty; thence west to the center of the southeast quarter of said section thirty; thence north to the midsection line running east and west through the center of said section thirty; thence east to the east line of said section thirty; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section thirty; thence east to the midsection line running north and south through the center of section twenty-nine, same township and range; thence north to the north line of said section twenty-nine; thence east to the northeast corner of the northwest quarter of the northeast quarter of said section twenty-nine; thence south to the midsection line running east and west through the center of said section twenty-nine; thence east to the center of section twenty-eight in said township fourteen north, range one east; thence south to the southeast corner of the northeast quarter of the southwest quarter of section thirty-three, said township and range; thence west to the center of the southwest quarter of said section thirty-three; thence north to the midsection line running east and west through the center of said section thirty-three; thence west to the west line of said section thirty-three;

thence south to the southwest corner of section thirty-three; Boundaries. thence east to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-three; thence south to the center of the northwest quarter of section four in township thirteen north, range one east, Mount Diablo meridian; thence west to the west line of said section four; thence south to the quarter section corner between sections four and five in said last mentioned township and range; thence east to the southeast corner of the southwest quarter of the northwest quarter of said section four; thence north to the center of the northwest quarter of said section four; thence east to the east line of said section four; thence north to the northeast corner of said section four and the township line; thence easterly, southerly, and westerly through the Jimeno rancho the following courses and distances following the section lines and fractional section lines as delineated and so designated on that certain map entitled "Plat of the Jimeno rancho finally confirmed to Thos. O. Larkin and Jno. S. Missroon," filed in the United States surveyor general's office, San Francisco, California, March 26, 1861, south  $89^{\circ} 47'$  east seven thousand nine hundred twenty feet along the township line between townships thirteen and fourteen north, range one east, Mount Diablo base and meridian, to the quarter section corner between sections thirty-five in township fourteen north, range one east, and section two in township thirteen north, range one east, Mount Diablo base and meridian, south  $0^{\circ} 08'$  east two thousand six hundred thirty-five and five-tenths feet to the center of said section two, east two thousand six hundred forty feet to the east line of said section two, south  $0^{\circ} 20'$  east, five thousand three hundred twelve and six-tenths feet to the quarter section corner between sections eleven and twelve in said township thirteen north, range one east, north  $89^{\circ} 50'$  west, one thousand three hundred twenty and three-tenths feet to the center of the east half of said section eleven; south two thousand six hundred forty-seven feet to the south line of said section eleven; north  $89^{\circ} 53'$  west one thousand three hundred twenty-four feet to the quarter section corner between sections eleven and fourteen in said township and range; south  $15'$  west two thousand six hundred fifty-six and five-tenths feet to the center of said section fourteen; west two thousand six hundred forty-one feet to the west line of said section fourteen; south  $29'$  west two thousand six hundred forty-two and nine-tenths feet to the southwest corner of said section fourteen; north  $89^{\circ} 57'$  west one thousand three hundred twenty and three-tenths feet to the southwest corner of the southeast quarter of the southeast quarter of section fifteen, said township and range; south ten thousand six hundred seven and four-tenths feet to the south line of section twenty-seven, said township and range; south  $89^{\circ} 57'$  west one thousand two hundred twenty-seven and one-tenth feet to the quarter section corner between sections twenty-seven and thirty-four, said township and range; south  $2^{\circ} 40'$  east five

Boundaries. thousand three hundred eighty-four and five-tenths feet through the center of said section thirty-four to the south line of said section thirty-four, and the township line; thence east along the township line to the right or west bank of the Sacramento river; thence southeasterly, along and with the said right or west bank of the said Sacramento river to the intersection with the east boundary line of section twelve in township twelve north, range one east; thence south, along the east line of said section twelve to its intersection with the right bank of said Sacramento river; thence down the right or west bank of said Sacramento river, southerly to the point of beginning

The land included within the aforesaid exterior boundaries is the same land included within the exterior boundaries set forth in section three of the said act entitled, "An act legalizing the consolidation and reorganization of reclamation district No 729 with reclamation district No 108, in the counties of Yolo and Colusa: fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts: and repealing all acts and parts of acts inconsistent therewith," and approved April 23, 1913

## CHAPTER 370.

*An act to amend an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and March 23, 1907, and as further amended March 19, 1909, by amending sections two, three, four, five, six, seven and one-half and eight thereof, by adding a new section thereto to be known and numbered as section six and one-half, and repealing section seven thereof, all relating to the powers and duties of the state veterinarian, assistant state veterinarian and deputy state veterinarians, and fixing salaries, and prescribing penalties for violation of this act*

[Approved May 18 1915 In effect August 8, 1915.]

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

SECTION 1. Section two of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and March 23, 1907, and as further

amended March 19, 1909, is hereby amended to read as follows:

Sec. 2. The governor is hereby authorized and empowered to appoint an assistant state veterinarian, who shall at the time of such appointment be a graduate in good standing of a recognized college of veterinary medicine and be legally qualified to practice veterinary medicine in this state, and who shall hold office for a period of four years from and after the date of qualification. The salary of such assistant state veterinarian shall be three thousand dollars per annum, payable at the same time and in the same manner as are the salaries of other state officers. Said assistant state veterinarian shall also be allowed his necessary expenses incurred in the discharge of his duties.

Assistant  
state  
veterinarian

Salary.

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

Sec. 3 Upon information by him received of the existence of any contagious or infectious disease affecting domestic animals within this state, the state veterinarian shall proceed to thoroughly investigate the same, and he is hereby authorized to establish such quarantine, sanitary and police regulations as may be necessary to circumscribe and exterminate such disease and prevent the extension thereof, and he is further authorized and empowered to enter upon any grounds or premises and inspect any animal necessary to carry out the provisions of this act: *provided*, that nothing in this act shall be construed as authorizing the state veterinarian or any of his deputies to impose quarantine restrictions upon any animal in this state affected with bovine tuberculosis

Quarantine

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

Sec. 4 Upon the discovery of any case of contagious or infectious disease affecting any domestic animal or animals in the State of California, the state veterinarian shall have the power and it shall be his duty to quarantine such diseased animal or animals, and when necessary other animals which have been in contact with such diseased animal or animals, upon the land or premises where such animal or animals are located, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or allow to be moved any of such animals from without the premises or across the quarantine line so established without first obtaining a permit from said state veterinarian who shall, before such permit is issued, inspect, and if necessary, cause such animals, premises and vehicles of transportation to be properly cleaned and disinfected.

Unlawful  
to break  
quarantine

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

Sec. 5 Whenever it shall become necessary to restrict the movements of domestic animals from any county or counties or portion thereof within this state on account of the fact that such animals are liable to transmit an infectious disease to

Quarantine  
boundaries  
proclaimed.

animals not so affected, it shall be the duty of the state veterinarian, by and with the approval of the governor, to quarantine the animals in such county or counties or portion thereof in order to prevent the spread of such disease, and the governor, if he approve, shall issue his proclamation proclaiming the boundaries of such quarantine, and thereafter, while said proclamation is in force and effect, no person, firm, company or corporation, their agents and servants, shall move or allow to be moved any of said animals from without the boundaries of said quarantine unless said animals shall have first been inspected, and if necessary, disinfected by the state veterinarian, or his duly authorized deputy.

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

Quarantine  
against  
other states

SEC. 6. Whenever the state veterinarian shall have determined that an infectious disease exists among domestic animals in any other state or territory in the United States of America, or in any foreign country, and the importation of domestic animals from said state, territory or foreign country might spread such disease among domestic animals within the State of California, said state veterinarian shall notify the governor thereof, and the governor, if he deem it expedient, shall issue his proclamation proclaiming the facts as set forth by said state veterinarian, and said proclamation shall prescribe quarantine restrictions against said state, territory or foreign country, which restrictions shall prescribe that under no conditions shall said animals be brought into the State of California from said state, territory or foreign country, or if circumstances shall warrant, said proclamation shall prescribe the conditions under which such animals may be brought into the State of California.

SEC. 6. A new section is hereby added to said act, to be known and numbered as section six and one-half, and to read as follows:

Powers of  
state  
veterinarian  
conferred on  
assistants

SEC. 6½. The assistant state veterinarian and the deputy state veterinarians, as provided for in this act, are hereby given all the powers and authority herein conferred upon said state veterinarian for the purpose of enforcing all the provisions of this act, but the said assistant state veterinarian and deputy state veterinarians shall act under the directions and control of the state veterinarian.

Repealed.

SEC. 7. Section seven of said act is hereby repealed.

SEC. 8. Section seven and one-half of said act is hereby amended to read as follows:

Deputy  
and clerk

SEC. 7½. The state veterinarian of the State of California is hereby authorized and empowered to appoint a deputy state veterinarian and a clerk. The salary of the deputy state veterinarian shall be twenty-four hundred dollars per annum; the salary of the clerk shall be sixteen hundred dollars per annum. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The deputy state veterinarian shall be allowed such necessary

Expenses

expenses as may be incurred in the discharge of his duties. The state veterinarian is further authorized and empowered to appoint such additional deputies whenever it becomes necessary to carry out and give effect to the provisions of this act. The salaries of any of such deputies shall in no instance exceed the sum of two hundred (200) dollars per month, and each of said deputies shall be allowed such necessary expenses as may be incurred in the discharge of his official duties

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

Sec 8. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred and eighty days, or by both such fine and imprisonment. Penalty for violation.

CHAPTER 371.

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

[Approved May 18, 1915. In effect—see section 15.]

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

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

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 54th class, salaries of officers

1. The county clerk, fifteen hundred dollars per annum, except in years where a general election is held and in such years he shall receive eighteen hundred dollars per annum. County clerk

2. The sheriff, thirty-eight hundred dollars per annum. Sheriff.

3. The recorder, twelve hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any one month, so collected; *and provided*, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims. Recorder.

4. The auditor, six hundred dollars per annum. Auditor.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, sixteen hundred dollars per annum.

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

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

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

Superintendent of schools

11. Superintendent of schools, nine hundred dollars per annum, and actual traveling expenses of visiting schools of the county.

Surveyor.

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

Justices of the peace

13. Justices of the peace, one hundred and twenty dollars per annum, and such further compensation as may be provided by ordinance of the board of supervisors.

Constables

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

Supervisors

15. Supervisors, each the sum of six hundred dollars per annum, for all services performed by them as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum. The compensation fixed and allowed by this subdivision shall apply immediately to incumbents.

Jurors

16. Grand jurors, and jurors of the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

## CHAPTER 372.

*An act to amend section twenty-one hundred eighty-nine of the Political Code, relating to the discharge of patients from state hospitals.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

SECTION 1. Section twenty-one hundred eighty-nine of the Political Code is hereby amended to read as follows:

Discharge of patients

2189 The superintendent of a state hospital on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of

a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows: Discharge of patients

A patient who, in his judgment, has recovered.

Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

The superintendent may grant a parole to a patient under general conditions prescribed by the commission. Parole

A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code. Criminal patients

The medical superintendent of a state hospital may on his own motion and must on the order of the commission, discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Said medical superintendent shall refuse to receive such person Patient not insane  
Poor persons.

on such recommitment unless such permission is obtained as herein provided.

Certificate  
of discharge

When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the secretary of the board of managers, may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fees shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections seventeen hundred and sixty-three and seventeen hundred and sixty-four of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section seventeen hundred and sixty-six of the Code of Civil Procedure. The term patient as used in this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

Application  
to be  
declared  
sane.

Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by this section, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall issue to said person his certificate that such person is sane and recovered and restored to reason. A copy thereof, duly certified, shall be immediately forwarded to the state commission in lunacy, who shall file the same in their office. A copy thereof shall also be filed at said hospital and a proper record made thereof.

When  
super-  
intendent  
is unwilling  
to issue  
certificate.

If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in this section provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend

in his behalf may make application by petition duly verified to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was paroled, granted leave of absence or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three-fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury is that such person is insane, an appeal may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three-fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have

Hearing in case of person who desires to be declared sane

such person declared sane shall be made for six months thereafter.

Bond covering costs.

Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person.

The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this section provided, shall have the same legal effect as a discharge as recovered, and shall be prima facie evidence of the sanity of such person.

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### CHAPTER 373.

*An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture in co-operation with the United States department of agriculture and the University of California.*

[Approved May 18, 1915. In effect August 8, 1915.]

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

Supervisors may support university extension work

SECTION 1. The boards of supervisors of the respective counties within the state are hereby empowered to appropriate and use county funds in not to exceed the amount of ten thousand dollars for any one year, for the support and maintenance within their respective counties of extension work in agriculture under the approval of the United States department of agriculture and in co-operation with the University of California.

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### CHAPTER 374.

*An act to amend section two hundred seventy of the Penal Code of the State of California*

[Approved May 18, 1915. In effect August 8, 1915.]

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

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

Penalty for not furnishing child with food, etc.

270. A parent of either a legitimate or illegitimate minor child who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his child, is punishable by imprisonment in the state prison, or in the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both.

CHAPTER 375.

*An act to amend section six hundred forty-six of the Civil Code, relating to building and loan associations.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

646. Every building and loan association, and every other corporation, association or society organized under and by virtue of the laws of any other state or territory or of any foreign country, for the purpose of conducting and carrying on a business of a character similar to that authorized by this title, or whose by-laws, rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, members or investors in the manner of building and loan associations, or as authorized and provided in this title, desiring to enter the State of California for the transaction of business or for selling its bonds, debentures, certificates, shares of stock, shares of membership, contracts or other similar securities, must first comply with the requirements of sections four hundred five and four hundred eight of the Civil Code and immediately thereafter deposit with the official vested by law with state supervision and license not less than fifty thousand dollars in lawful money of the United States or in bonds of the United States or of the State of California, or of any county, municipality or school district of said state, or of any public utility corporation, or of any irrigation district in said state, the bonds issued by which district are legal investments for savings banks or any notes or bonds secured by mortgage or deed of trust payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight, title two, part four of division first of the Civil Code or in lieu thereof promissory notes secured by first mortgages or deeds of trust upon real estate located within this state, satisfactory to the official vested by law with state supervision and license of building and loan associations, all duly assigned or endorsed in blank, to be held by the said official as a guarantee fund for the protection and indemnity of residents of the State of California who shall invest in any of its bonds, debentures, shares, contracts, agreements or other securities, or with whom it shall do business.

Building and loan associations must make deposit

Guarantee fund.

It must also procure from the official vested by law with state supervision and license of building and loan associations, the license provided for building and loan and similar corporations and associations, paying the statutory fee therefor before entering upon the transaction of business, and annually renew the same

License

Securities  
may be  
substituted

With the consent of the said official vested by law with state supervision and license any of the securities deposited as herein provided may be withdrawn at any time upon the substitution and deposit of others of form and character herein specified and of like or greater net value, so long as the aggregate net convertible value of all equals or exceeds the amount named herein. The fund thus created is not to be foreclosed or realized upon except for the liquidation of a final judgment in favor of residents of California who were investors in any of the above mentioned securities of such foreign company, corporation or association, and then only after certified proof thereof has been filed with the custodian.

Except as above provided securities deposited as herein specified shall not be withdrawn until satisfactory proof of the liquidation of all liabilities to residents of California, approved by the official vested by law with state supervision and license, shall be filed with the custodian, when all may then be withdrawn.

Penalty for  
non-  
compliance

Any person or persons who shall be found in the state, as principal, agent, solicitor, or in any other capacity, soliciting or conducting the business of selling, disposing of, or taking or soliciting subscriptions for the sale of any of the forms of bonds, debentures, shares, contracts, agreements or other securities of any such foreign company, corporation or association which has not complied with all the requirements of this section shall be deemed guilty of a misdemeanor punishable, upon conviction, by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

## CHAPTER 376.

*An act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the state board of health.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

Secretary of  
state board  
of health,  
salary,  
duties

2982. The secretary of the state board of health shall receive an annual salary of four thousand five hundred dollars and necessary expenses incurred in the performance of his duties. He shall enforce all orders and regulations of the state board of health, and shall vigilantly observe sanitary conditions throughout the state, and take all necessary precautions to protect it in its sanitary relations with other states and countries. He shall keep an accurate record of the proceedings of the state board of health and of his own acts, and shall file

a written report of the same at each regular meeting of the board. There shall be an assistant to the secretary of the state board of health, who shall be appointed by and hold office at the pleasure of, and perform such duties as shall be prescribed by said board. The assistant to the secretary of the state board of health shall receive an annual salary of twenty-four hundred dollars. The salaries of the secretary and assistant to the secretary shall be paid out of the general fund at the times and in the manner in which state officers are paid.

Assistant

CHAPTER 377.

*An act appropriating money to pay the claim of Charles W. Williams against the State of California.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of six hundred dollars is hereby appropriated out of any other money in the school land fund in the state treasury not otherwise appropriated, to pay the claim of Charles W. Williams against the State of California, and the state controller is hereby directed to draw his warrant in favor of Charles W. Williams, for said sum of six hundred dollars and the state treasurer is hereby directed to pay the same.

Appropriation claim, C. W. Williams

CHAPTER 378.

*An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. The state registrar shall have charge of the registration of births, marriages and deaths; shall prepare sample forms and blanks with instructions for obtaining and preserving such records and shall procure the faithful registration of the same in each primary registration district as

Duties of state registrar of vital statistics.

constituted in section three of this act, and in the central bureau of vital statistics at the capital of the state. The said board shall be charged with the uniform and thorough enforcement of the law throughout the state, and shall promulgate any additional rules or regulations.

Secretary,  
statistician,  
etc.

SEC. 2. The secretary of the state board of health shall be ex officio the state registrar of vital statistics and shall have full supervision and control over the central bureau of vital statistics which is hereby authorized to be established by said state board of health. There shall also be a competent vital statistician who shall be appointed by and shall serve during the pleasure of the state board of health and shall receive an annual salary at the rate of two thousand four hundred dollars. There shall also be a clerk to the state board of health as now provided by law who shall receive an annual salary of sixteen hundred dollars and who shall be appointed by and shall serve during the pleasure of the state board of health. Said board shall provide for such clerical and other assistants as may be necessary for the purposes of this act, all of whom shall serve during the pleasure of the board and whose salaries, excepting said clerk to the state board of health, shall be fixed by the state board of health. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers. As soon as practicable the custodian of the capitol shall provide for the bureau of vital statistics in the state capitol at Sacramento, suitable offices, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act.

Registration  
districts

SEC. 3. For the purposes of this act the state shall be divided into registration districts as follows: each city and county, city and incorporated town and each county exclusive of the portion included within cities and incorporated towns shall constitute a primary registration district.

Local  
registrars

SEC. 4. The recorder of each city and county or county and the clerk of each city and incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided, however,* that in cities having a freeholders' charter, the health officer shall act as local registrar and perform all the duties thereof.

Refusal to  
act

The refusal of a local health officer to perform the duties imposed upon him by this act shall be deemed a neglect of official duty and shall be sufficient ground for the removal of such officer pursuant to the provisions of section 772 of the Penal Code.

Deputy  
registrars

Each local registrar shall immediately appoint a deputy in writing, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears

necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated, and each sub-registrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month, *provided*, that each sub-registrar shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the state registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

SEC. 5 The body of any person whose death occurs in this state, or which shall be found dead therein or which shall be brought in from outside the state, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found; *provided*, that nothing in this act shall be construed to prevent an undertaker from removing a body from contiguous registration districts in an undertaker's conveyance for the purpose of preparing said body for burial or shipment. A removal permit must be secured within forty-eight hours and before embalming the body. No body where death occurred from any disease held by the state board of health to be infectious, contagious or communicable and dangerous to the public health shall be removed without first securing a removal permit in the manner provided in section nineteen of this act. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided; *provided*, that when a dead body is transported from outside the state into a registration district in California for burial, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit when such removal or transit permit shall have endorsed thereon the written approval of the state registrar or when the state registrar otherwise officially notifies the local registrar of his approval he shall note upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; and no local registrar shall receive

Sub-registrars

Burial permits

Removal permit

Bodies brought into state for burial

any fee for the issuance of burial or removal permits under this act other than the compensation provided in section twenty.

Stillborn  
children

SEC. 6. A stillborn child shall be registered as a birth and also as a death, and separate certificates of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain in place of the name of the child, the word "stillbirth"; *provided*, that a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known: and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children: but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section 8 of this act.

Certificate  
of death

SEC. 7. The certificate of death shall contain the following items, which are hereby declared to be necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of death, including state, county, township, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese, or other

(5) Conjugal condition—as single, married, widowed or divorced.

(5a) Husband of -----

(5b) Wife of -----

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours or minutes.

(8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment with the statement of (a) trade, profession or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(9) Birthplace; at least state or foreign country, if known.

(10) Name of father.

(11) Birthplace of father; at least state or foreign country, if known.

(12) Maiden name of mother.

(13) Birthplace of mother; at least state or foreign country, if known.

(14) Signature and address of informant.

(15) Official signature of registrar, with the date when certificate was filed, and registered number.

(16) Date of death, year, month, and day.

(17) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and duration of each, and whether attributed to dangerous or insanitary conditions of employment; signature and address of physician or official making the medical certificate.

(18) Length of residence (for inmates of hospitals and other institutions, transients or recent residents) at place of death and in California, together with the place where disease was contracted if not at the place of death, and former or usual place of residence.

(19) Place of burial or removal; date of burial.

(20) Signature and address of undertaker or person acting as such

The personal and statistical particulars (items one to thirteen) shall be authenticated by the signature of the informant who may be any competent person acquainted with the facts

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths of non-residents, transients or recent residents in hospitals or institutions, the physician shall supply the information required under this head (item eighteen), if he is able to do so, and shall state where, in his opinion, the disease was contracted.

SEC. 8 In case of any death occurring without medical attendance, or continued absence of the attending physician it shall be the duty of the undertaker to notify the coroner or other proper official of such death for investigation and certification. And the coroner or other proper officer whose duty

Medical certificate

Death without medical attendance.

it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the state registrar in order properly to classify the death. In every case the certificate must contain as many facts required by this act as can be ascertained.

Duties of undertaker.

SEC. 9 The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the coroner or other proper official either directly or as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections seven and eight. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body, or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of California, it shall be delivered to the person in charge of the place of burial.

Casket sellers' records.

Every person, firm, or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the state registrar at all times. On the first day of each month the person, firm, or corporation, selling caskets shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose; *provided, however*, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the state board of health concerning the burial or other disposition of a dead body.

SEC. 10. If the interment, or other disposition of the body is to be made within the state, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar.

Wording of burial permit in case of burial within state

SEC. 11. No person in charge of any premises on which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, as herein provided. And such person shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection; *provided*, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.

No burial without permit

Record of bodies interred

SEC. 12. The birth of each and every child born in this state shall be registered as hereinafter provided.

Birth registration.

SEC. 13. Within thirty-six hours after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the state board of health with a view to procuring a full and accurate report with respect to each item of information enumerated in section fourteen of this act

In sparsely settled districts or where there is no direct mail communication with the county seat a reasonable time shall be fixed by the local registrar

In each case where a physician, or midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician to file in accordance herewith the certificate herein contemplated.

In case no physician was in attendance it shall be the duty of the midwife or person acting as midwife to file such certificate

In every case it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such

Duty of father, mother, etc

ease and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable, by diligent inquiry, to obtain any item or items of information contemplated in section fourteen of this act, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section fourteen, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Certificate  
of birth

SEC. 14. The certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of birth, including state, county, township or town, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Date of birth, including the year, month, and day.

(7) Full name of father.

(8) Residence of father.

(9) Color or race of father.

(10) Age of father at last birthday, in years.

(11) Birthplace of father; at least state or foreign country, if known.

(12) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(13) Maiden name of mother.

(14) Residence of mother.

(15) Color or race of mother.

(16) Age of mother at last birthday, in years.

(17) Birthplace of mother; at least state or foreign country, if known.

(18) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(19) Number of children born to this mother, including present birth.

(20) Number of children of this mother living.

(21) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day (as given in item seven), and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date of signature and address, if there is not physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by section thirteen of this act.

(22) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided

SEC. 15. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named Child's given name report

SEC. 16. That every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the state registrar of all physicians, midwives, or undertakers who have been registered in his district during the whole or any part of the preceding calendar year, *provided*, that no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the state registrar. Registration of physicians, etc

SEC. 17. All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, which are required in the forms of Record of hospitals, etc

the certificates provided for by this act, as directed by the state registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Forms and  
blanks

SEC 18. The state registrar shall prepare sample forms and blanks for use in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms or blanks shall be used than those prescribed by the state registrar. Printed blanks in the forms prescribed by the state registrar for all returns shall be furnished in sufficient quantities to each recorder or health officer by the board of supervisors of each county or city and county. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the state registrar, in person, by mail, or through the local registrar; *provided*, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

Records not  
to be  
changed

When facts  
are not  
correctly  
stated

(a) Whenever it may be alleged that the facts are not correctly stated in any certificate of death already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, to be supported by the affidavit of one other credible person having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the state registrar. He shall also retain copies for

his files. If the correction relates to a certificate previously returned to the state registrar the local registrar shall forthwith transmit the affidavits to the state registrar. If the correction is first made in the state bureau of vital statistics the state registrar shall transmit a certified copy of the amended certificate to the local registrar

The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and maiden names of mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of his state, such company, society, association or individual, may file such record or a duly authenticated transcript thereof with the state registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public subject to such reasonable conditions as the state registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office.

Preservation of certificates

Infectious diseases

Records of church associations

SEC. 19. Each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a permit for removal, burial or other disposition of the body to the undertaker; *provided*, that in case the death occurred from some

Examination of certificates by registrars

disease which is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the state and local boards of health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and death, in two separate series, beginning with number 1 for the first birth and the first death occurring in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book containing forms identical with the original certificates and to be preserved permanently in his office as the local record. And he shall, on the fifth day of each month, transmit to the state registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, he shall, on the fifth day of the following month report that fact to the state registrar on a blank provided for such purpose.

Certificate incomplete

Registrar's monthly report

Local registrar's fees

SEC. 20. Each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the state registrar, as required by this act, out of which fees he shall pay the sub-registrar the sum of fifteen cents in cases where the certificate is registered with the sub-registrar. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required by this act. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon certification by the state registrar. And the state registrar shall quarterly certify to the treasurers of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed herein.

Certified copy of records

SEC. 21. The state or local registrar shall forthwith upon request supply to any applicant a certified copy of the record of any birth or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the state or local registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the state registrar or local registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, such fee to be paid by the applicant.

Fee for searching files

and the state registrar shall keep a true and correct account of all fees by him received under these provisions, and such money so received by the state registrar shall be deposited with the state treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health, and the money so collected by the local registrar shall be paid by him into the county or city treasury, as the case may be, *provided*, that the local registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment, *and provided, further*, that the United States census bureau may obtain, without expense to the state, transcripts of births and deaths without payment of the fees herein prescribed

(b) If, upon such search it shall develop that for any cause any birth or death occurring in this state was not registered in conformity with the provisions of law in effect at the time when such birth or death occurred, any person beneficially interested in establishing of record the fact of such birth or death may petition the superior court of the county in which such birth or death is alleged to have occurred for an order judicially establishing the fact of such birth or death. Such petition shall be verified and shall contain all the data necessary to enable the court, upon hearing the same, to determine the fact of such birth or death upon the proofs adduced in behalf of the petitioner at the hearing thereof. A copy of such petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which such birth or death is alleged to have occurred and either of said officials shall have the right in his discretion to appear at such hearing and oppose the making of such order. Such hearing shall be had at such time as the court may appoint, not less than ten days subsequent to the date of filing such petition, and notice thereof must be given by publication for the same time and in the same manner required by law to be given prior to the hearing of the petition for the admission of probate of any will, or the issuance of letters testamentary or of administration thereon.

Petition to court to establish record

If, upon such hearing, the proofs of the allegations of the petition are established, to the satisfaction of the court, the court may make an order determining that such birth or such death did in fact occur in such county and at the time shown by the proofs adduced upon such hearing. Certified copies of such order shall be delivered to the local registrar of vital statistics and to the state registrar of vital statistics.

Order of court

SEC. 22 Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same

Penalty for violation of act

to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, except as provided in section five of this act without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall wilfully alter, otherwise than is provided by section eighteen of this act, or shall falsify any certificate of birth or death, or any record established by this act; or (d) being required by this act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required by this act; or (e) being a local registrar, deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and direction of the state registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars nor more than fifty dollars and for each subsequent offense not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court.

Duty of  
local  
registrars  
to enforce  
act.

SEC. 23. Under the supervision and direction of the state registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this act in his registration district under the supervision and direction of the state registrar. He shall make an immediate report to the state registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise

Duty of  
state  
registrar

The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and is hereby granted supervisory power over local registrars, deputy local registrars, and sub-registrars, to the end that all of its requirements shall be uniformly complied with. The state registrar, either personally or by an accredited representative, shall have authority to investigate cases of irregularity or violation of law. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to him by the state registrar, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law. And upon request of the state registrar, the attorney general shall assist in the enforcement of the provisions of this act.

SEC. 24. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 379.

*An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. The State of California is hereby divided into fish and game districts, to be known and designated as: Fish and game district one, fish and game district two, fish and game district three, fish and game district four, fish and game district five, fish and game district six, fish and game district seven, fish and game district eight, fish and game district nine, fish and game district ten, fish and game district eleven, fish and game district twelve, fish and game district thirteen, fish and game district fourteen, fish and game district fifteen, fish and game district sixteen, fish and game district seventeen, fish and game district eighteen, fish and game district nineteen, fish and game district twenty, fish and game district twenty-one, fish and game district twenty-two, fish and game district twenty-three, fish and game district twenty-four, fish and game district twenty-five, fish and game district twenty-six, fish and game district twenty-seven, fish and game district twenty-eight, fish and game district twenty-nine.

SEC. 2. Fish and game district one shall consist of and include the following counties: Siskiyou, Modoc, Lassen, Shasta, Plumas, Yuba, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Madera, Mono, Inyo, Tulare and Kings, and that portion of the county of Del Norte not included in fish and game districts five and six and that portion of Humboldt county not included in fish and game districts six, seven, eight and nine; that portion of Trinity county not included in fish and game district twenty-six; those portions of the counties of Sierra, Nevada, Placer and El Dorado not included in fish and game district twenty-three; those portions of the counties of Sutter, Tehama, Butte and Sacramento not included in fish and game district twelve and fish and game district twelve a; that portion of San Joaquin county lying east and north of the east or right hand bank of the San Joaquin river and not included in fish and game districts three and twelve; that portion of Stanislaus county lying east of the west bank of the San Joaquin river; that portion of Merced county lying east of the west bank of the San Joaquin river; that portion of Fresno county lying east of the west bank of Fresno slough, Fish slough and Summit lake; and that portion of Kern county lying east of the west bank of Bull slough, and the west and south banks of Buena Vista lake to the

Fish and  
game  
districts

No 1

southeast corner of said lake; that portion of Kern county lying north of a line extending from this point directly east and intersecting the Tejon pass state highway; that portion of Kern county lying east of the said state highway from the above mentioned point of intersection to where the said state highway crosses the northern boundary line of Los Angeles county.

No 2      SEC. 3. Fish and game district two shall consist of and include the counties of Lake and Napa; that portion of Mendocino county not included in fish and game district ten; that portion of Sonoma county not included in fish and game districts ten and twelve; that portion of Marin county not included in fish and game districts ten, eleven and twelve; those portions of the counties of Solano, Yolo and Glenn and Colusa not included in fish and game district twelve and fish and game district twelve *a*.

No 3      SEC. 4. Fish and game district three shall consist of and include that portion of Contra Costa county not included in fish and game district twelve; that portion of Alameda county not included in fish and game districts twelve and thirteen; that portion of San Francisco county not included in fish and game districts ten, eleven, twelve and thirteen; that portion of San Mateo county not included in fish and game districts ten, thirteen and twenty-seven; that portion of Santa Clara county not included in fish and game district thirteen; that portion of Santa Cruz county not included in fish and game districts ten, fourteen, fifteen, seventeen and twenty-seven; that portion of Monterey county not included in fish and game districts sixteen, seventeen, eighteen and twenty-five; that portion of San Luis Obispo county not included in fish and game district eighteen; those portions of Kern, Fresno, Merced and Stanislaus counties not included in fish and game district one; that portion of San Joaquin county not included in fish and game districts one and twelve; and that portion of San Benito county not included in fish and game district twenty-five.

No 4      SEC. 5. Fish and game district four shall consist of and include all those portions of San Bernardino and Imperial counties not included in fish and game districts twenty-two, twenty-eight and twenty-nine; all that portion of San Diego county not included in fish and game districts nineteen and twenty-one; all that portion of Riverside county not included in fish and game districts twenty-two and twenty-four; all that portion of Orange county not included in fish and game districts nineteen and twenty-four; all that portion of Los Angeles county not included in fish and game districts nineteen, twenty and twenty-nine; and all those portions of the counties of Ventura and Santa Barbara not included in fish and game district nineteen.

No 5      SEC. 6. Fish and game district five shall consist of and include the ocean water and the tidelands of the state to high water mark lying between the northern boundary of the state and a line extending west from the extreme westerly

point of Point St George in Del Norte county; and shall exclude all sloughs, streams and lagoons in said county, except Smith river from its mouth to Bailey's riffle.

SEC. 7. Fish and game district six shall consist of and <sup>No 6</sup> include the ocean waters and the tidelands of the state to high water mark lying between a line extending west from the extreme westerly point of Point St. George, in Del Norte county, and a line extending due west from the extreme westerly point of Mussel point, in Humboldt county, and shall exclude all sloughs, streams and lagoons in said counties, except the Klamath river from its mouth to the mouth of Terwah creek.

SEC. 8. Fish and game district seven shall consist of and <sup>No 7</sup> include the ocean waters and the tidelands of the state to high water mark lying between a line extending due west from the extreme westerly point of Mussel point, in Humboldt county, and the southern boundary of Humboldt county and shall include, also, the waters of Mad river from its mouth to Carson's bridge, the water of Eel river from its mouth to the east boundary line of township 3 north, range 2 west, Humboldt base and meridian, the waters of Salt river, a tributary of Eel river as far up as the high tide line, and shall exclude all other sloughs, streams and lagoons in the said county of Humboldt.

SEC. 9. Fish and game district eight shall consist of and <sup>No 8</sup> include the waters and tidelands to high water mark of Humboldt bay lying north of a straight line running east from the center of apron at the approach of the south jetty at the entrance of Humboldt bay to the east shore line of said bay, and shall be exclusive of all rivers, streams and sloughs emptying into said bay.

SEC. 10. Fish and game district nine shall consist of and <sup>No 9</sup> include the waters and tidelands to high water mark of Humboldt bay lying south of a straight line running east from the center of apron at the approach to the south jetty at the entrance of Humboldt bay to the east shore line of said bay, and shall be exclusive of all rivers, streams and sloughs emptying into said bay.

SEC. 11. Fish and game district ten shall consist of and <sup>No 10</sup> include the ocean waters and the tidelands of the state to high water mark lying between the south boundary of Humboldt county and a line extending southwest from the extreme westerly point of Point Santa Cruz, in Santa Cruz county; and shall include the waters of Tomales bay, and shall be exclusive of all that portion of Bolinas bay lying inside of Bolinas bar, and of San Francisco bay lying east of a line drawn from Point Bonita to Point Lobos, and all rivers, streams and lagoons.

SEC. 12. Fish and game district eleven shall consist of and <sup>No 11</sup> include the waters and the tidelands of San Francisco and Richardson bays to high water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita,

thence in a direct line to the extreme westerly point of Point Lobos, thence around the shore line of San Francisco bay to the extreme northerly point of Black point in San Francisco county, thence in a direct line to the extreme southerly point of Peninsula point in Marin county, thence westerly around the shore line of Richardson's and San Francisco bays, to the point of beginning.

No 12

SEC. 13. Fish and game district twelve shall consist of and include all the waters and tidelands of San Francisco bay to high water mark not included within fish and game districts eleven and thirteen, the waters and tidelands to high water mark of San Leandro bay, Oakland creek or estuary, San Antonio creek in Alameda county, Raccoon straits, San Pablo bay, Carquinez straits and Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the bridge across said river at the city of Colusa, the waters of the main channels of Steamboat slough and Sutter slough; the waters of New York slough and Broad slough; the waters of the main channel of the San Joaquin river between its mouth and the south boundary of San Joaquin county; the waters of the main channel of Old river; the area lying between the main channels of the San Joaquin river and Old river south of the mouth of Old river and all lands and waters lying within the exterior boundaries of said fish and game district and excluding all tributary sloughs, creeks, bays, rivers and overflowed areas not specifically described herein.

No 12a

SEC. 13a. Fish and game district twelve a shall consist of and include all the waters of the Sacramento river flowing within the main channel between the bridge across said river at Colusa and the Vina ferry near the town of Vina, in Tehama county.

No 13

SEC. 14. Fish and game district thirteen shall consist of and include the waters and tidelands to high water mark of San Francisco bay lying to the south of a line drawn between Point Avisadero and the northwest point of Bay Farm island, exclusive of all streams, sloughs and lagoons.

No 14

SEC. 15. Fish and game district fourteen shall consist of and include the waters of Scotts creek, in Santa Cruz county, to a point six miles from its mouth.

No 15

SEC. 16. Fish and game district fifteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the north of a line drawn from the extreme westerly point of Point Santa Cruz to the extreme westerly point of Soquel point; and shall consist of and include the waters of the San Lorenzo river and its tributaries.

No 16

SEC. 17. Fish and game district sixteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the south of a line drawn from the extreme northerly point of Point Pinos in a straight

line easterly to the eastern shore of Monterey bay to a point north of the town of Seaside, said point being marked by a permanent monument placed by the United States government surveyors, and designated as "Monterey N. O. T. C. and G. S. Sta."

SEC. 18. Fish and game district seventeen shall consist of <sup>No 17.</sup> and include the waters and tidelands to high water mark of Monterey bay and Pacific ocean, lying between a line extending southwest from the extreme westerly point of Point Santa Cruz and a line extending due west from the westerly point of Point Carmel, in Monterey county, and exclusive of the areas included in fish and game districts fifteen and sixteen, and exclusive of all rivers, creeks, sloughs and lagoons, emptying into the Pacific ocean, within the boundaries of this district.

SEC. 19. Fish and game district eighteen shall consist of <sup>No 18</sup> and include the ocean waters and tidelands to high water mark of the state, lying between a line extending due west from the extremity of Point Carmel and the south boundary of San Luis Obispo county, and shall exclude all rivers, streams, sloughs and lagoons.

SEC. 20. Fish and game district nineteen shall consist of <sup>No 19</sup> and include the ocean waters and tidelands to high water mark of the state, lying between the north boundary of Santa Barbara county and the southern boundary of the State of California; and shall include all islands and adjacent waters belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays.

SEC. 21. Fish and game district twenty shall consist of <sup>No 20.</sup> and include the island of Santa Catalina, with the state waters surrounding said island.

SEC. 22. Fish and game district twenty-one shall consist <sup>No 21</sup> of and include those waters and tidelands to high water mark of San Diego bay, lying inside of a straight line, drawn from Point Loma to the offshore end of the San Diego breakwater.

SEC. 23. Fish and game district twenty-two shall consist <sup>No 22</sup> of and include the waters of Salton sea and the waters of the Colorado river.

SEC. 24. Fish and game district twenty-three shall consist <sup>No 23</sup> of and include the waters of Lake Tahoe and the Truckee river, and all streams flowing into said lake and river, and all lands within the drainage basin of said lake and river, lying within the State of California.

SEC. 25. Fish and game district twenty-four shall consist <sup>No 24</sup> of and include that certain territory embraced within the Cleveland national forest, more particularly described as follows, to wit:

The east one-half of township 5 south, range 7 west; all of township 5 south, range 6 west, except sections 1, 2, 3, 10, 11 and 12; all of township 6 south, range 6 west; the west half of township 6 south, range 5 west; all of township 7 south, range 6 west; the west one-half of township 7 south, range 5 west; all in San Bernardino base and meridian, in the State of California.

No 25

Sec 26. Fish and game district twenty-five shall consist of and include those certain lands within the counties of San Benito and Monterey embraced within the Pinnacles national monument and more particularly described as follows, to wit:

All of sections 20 to 29 inclusive, all of sections 33, 34 and 35 and the west half of section 36 of township 16 south, range 7 east; the west half of section 1, all of sections 2 and 3, the east half of section 4, the east half of section 9, all of sections 10 and 11, the west half of section 12, the west half of section 13 and all of sections 14 and 15 of township 17 south, range 7 east. All townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

No 26

Sec. 27. Fish and game district twenty-six shall consist of and include that certain territory embraced in the Trinity national forest, more particularly described as follows, to wit:

(a) Sections 19, 30, 31 and 32 of township 34 north, range 11 west; sections 5, 6, 7, 8, 17, 18, 19, 20, 30 and 31 of township 33 north, range 11 west; sections 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36 of township 34 north, range 12 west; sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 of township 33 north, range 12 west; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29 and 30 of township 32 north, range 12 west; all in Mount Diablo base and meridian in the State of California; and

(b) Sections 28, 31, 32, 33, of township 4 north, range 8 east; and sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32, 33, township 3 north, range 8 east; all in Humboldt base and meridian in the State of California.

No 27.

Sec. 28 Fish and game district twenty-seven shall consist of and include that certain territory embraced in California redwood park, Santa Cruz county, commonly known as the "big basin," and more particularly described as follows, to wit:

The east half and the east half of the west half of section 1, the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 12, all in township 9 south, range 4 west; the west half of section 4, all of sections 5 and 6, the north half of the northwest quarter, the northeast quarter, the east half of the southeast quarter of section 7, the north half, the southwest quarter, the north half of the southeast quarter and the southwest quarter of the southeast quarter of section 8, the north half of the northwest quarter,

the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 9, all in township 9 south, range 3 west; all that portion of the southwest quarter of section 28 lying south and west of the road known as the "China grade," all that portion of the east half of section 29 lying south and west of said "China grade," the east half of section 32, the southwest quarter and that portion of the northwest quarter of section 33 lying south of said "China grade," all in township 8 south, range 3 west; all townships and ranges mentioned herein being referred to Mount Diablo base line and meridian

SEC 29. Fish and game district twenty-eight shall consist <sup>No 28</sup> of and include a portion of the Angeles national forest lying within the county of San Bernardino and more particularly described as follows, to wit:

All of township 2 north, range 2 east, all of township 2 north, range 1 east; all of township 1 north, range 1 east; all of township 1 south, range 1 east; sections 1 to 18 inclusive of township 1 south, range 1 west; all of township 1 north, range 1 west; all of township 2 north, range 1 west; all of township 1 north, range 2 west; all of township 2 north, range 2 west; sections 1 to 18 inclusive, that portion of section 19 within the Angeles national forest all of sections 20 to 27 inclusive, the north half of section 28, the north half and southeast quarter of section 35 and all of section 36, township 1 north, range 3 west, all of township 2 north, range 3 west; all that portion of township 1 north, range 4 west, within the Angeles national forest lying north of the north line of the Muscupiabe grant, and all of township 2 north, range 4 west; all townships and ranges mentioned herein being referred to San Bernardino base line and meridian.

SEC 30. Fish and game district twenty-nine shall consist <sup>No 29</sup> of and include a part of the westerly portion of the Angeles national forest lying within the counties of San Bernardino and Los Angeles and more particularly described as follows, to wit:

Sections 6 to 10 inclusive, sections 15 to 22 inclusive and sections 27 to 32 inclusive of township 2 north, range 7 west; sections 7, 18, 19, 30 and 31 of township 3 north, range 7 west; sections 1 to 22 inclusive and those portions of sections 23 and 24 within the Angeles national forest, all in township 1 north, range 8 west; all of township 2 north, range 8 west, sections 7 to 36 inclusive of township 3 north, range 8 west, sections 1 to 24 inclusive, the west half of section 25 and all of sections 26, 27 and 28 in township 1 north, range 9 west, all of township 2 north, range 9 west; sections 7 to 36 inclusive in township 3 north, range 9 west; sections 1 to 18 inclusive, those portions of sections 19, 20, 21 and 22 within the Angeles national forest and all of sections 23 and 24 of township 1 north, range 10 west; all of township 2 north, range 10 west; sections 7 to 36 inclusive of township 3 north, range 10 west; all of sections 1 to 14 inclusive and those portions of sections

15, 16, 17, 18, 22, 23 and 24 within the Angeles national forest in township 1 north, range 11 west; all of township 2 north, range 11 west; that portion of section 2 lying south and west of a line drawn from the northwest corner to the southeast corner of said section, all of sections 3 to 36 inclusive in township 3 north, range 11 west; all of sections 1 and 2 and those portions of sections 3, 4, 5, 6, 11, 12 and 13 within the Angeles national forest in township 1 north, range 12 west; all of township 2 north, range 12 west; all of sections 1 to 5 inclusive, those portions of sections 6 and 7 lying south and east of a line drawn from the northeast corner of section 6 to the southwest corner of section 7 and all of sections 8 to 36 inclusive in township 3 north, range 12 west; all of sections 1 to 17 inclusive, those portions of sections 18, 20, 21 and 22 within the Angeles national forest, all of sections 23 to 26 inclusive and those portions of sections 27, 35 and 36 within the Angeles national forest in township 2 north, range 13 west; all of sections 13 to 36 inclusive in township 3 north, range 13 west; sections 1, 2 and 3 and those portions of sections 10, 11, 12 and 13 within the Angeles national forest in township 2 north, range 14 west. All townships and ranges mentioned herein being referred to San Bernardino base line and meridian.

Repealed

SEC. 31. An act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts and parts of acts inconsistent herewith are hereby repealed.

#### CHAPTER 380.

*An act to amend section six hundred twenty-eight b of the Penal Code of the State of California, relating to the protection of fish.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

Protection  
of perch,  
sunfish

628b. Every person who, between the first day of December and the thirtieth day of April inclusive, of the year following, takes, catches, kills or has in his possession any Sacramento perch, crappie, bluegill sunfish or green sunfish, or who, in any fish and game district other than districts three and four, between the first day of December and the thirtieth day of April, inclusive, of the year following, takes, catches, kills or has in his possession any black bass, or who, in fish and game districts three or four, between the first day of December and the first day of March, inclusive, of the year following, takes, catches, kills or has in his possession any black bass, or who, except with hook and line and in the

Bass

manner commonly known as angling, takes, catches or kills any black bass, Sacramento perch, crappie, bluegill sunfish or green sunfish, or who, takes, catches, kills or has in his possession more than twenty-five black bass, Sacramento perch, crappie, bluegill sunfish or green sunfish during any one calendar day, or who takes, catches, kills or has in his possession any black bass less than seven inches in length, or who buys, sells or offers for sale any black bass, Sacramento perch, crappie, bluegill sunfish or green sunfish is guilty of a misdemeanor.

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CHAPTER 381.

*An act to amend section seven hundred thirty-seven of the Political Code, relating to the salary of superior judges.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

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

Salaries of  
superior  
judges.

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CHAPTER 382.

*An act to amend section six hundred thirty-five of the Penal Code of the State of California, relating to the pollution of the streams and the use of explosives in the streams and public waters and to repeal section three hundred seventy-four and one-half of the Penal Code.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

Killing  
fish with  
explosives  
prohibited.

Pollution  
of waters

Penalty.

Repealed

635. Every person, firm, association, or corporation who places, or causes to be placed, in any of the waters of this state, dynamite, gunpowder, or other explosive compound for the purpose of killing or taking fish, or who takes, procures, kills or destroys any fish of any kind by means of explosives, or who has in his possession any fish that have been taken by means of explosives or who places, or causes to be placed, or who discharges or deposits, or who causes to be discharged or deposited, or suffers or permits to be discharged or deposited, or to pass, or who places where it can pass, in or into any of the waters of the state any petroleum, acid, coal or oil tar, lamp black, analine, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material, or substance, or any refuse, liquid or solid from any oil refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse, or any lime, any cocculus indicus, or any slag or any other substance or material deleterious to fish or plant life is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred dollars, or by imprisonment in the county jail of the county in which said conviction shall be had, not less than fifty days, nor more than one hundred and fifty days or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

SEC. 2. Section three hundred seventy-four and one-half of the Penal Code of the State of California is hereby repealed.

## CHAPTER 383.

*An act to amend section six hundred twenty-six a of the Penal Code of the State of California, relating to the protection of fish and game.*

[ Approved May 19, 1915. In effect August 8, 1915 ]

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

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

Protection  
of doves

626a. Every person who, between the first day of December and the thirty-first day of August, inclusive, of any year, hunts, takes, kills, pursues or destroys, or has in his possession, any dove, is guilty of a misdemeanor.

CHAPTER 384.

*An act to amend section forty-two hundred seventy-five of the Political Code, relative to the salary of officers and the per diem and mileage of grand jurors and trial jurors in counties of the forty-sixth class.*

[Approved May 19, 1915. In effect—see section 2.]

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

SECTION 1. Section forty-two hundred seventy-five of the Political Code of the State of California is hereby amended to read as follows:

4275. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand dollars per annum, and one deputy who shall receive a salary of eight hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. All fees collected by the clerk as are now or may hereafter be required by law shall by him be paid into the county treasury.

2. The sheriff, five thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, sixteen hundred and fifty dollars per annum and one-half of the fees required of him by law to collect, as county recorder as are now or may be hereafter allowed by law for such office.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, twenty-four hundred dollars per annum; *provided*, that all commissions and fees required or permitted by any law of this state or of the United States to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the general fund of the county monthly.

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

7. The assessor, four thousand dollars per annum; *provided*, that said assessor shall be entitled to receive and retain for his own use four per cent only on personal property tax collected by him as authorized by section thirty-eight hundred and twenty of the Political Code of the State of California.

- District attorney. 8. The district attorney, three thousand dollars per annum; *provided*, that said officer shall refrain from the private practice of law; *provided*, that the sum of fifty dollars per month, in addition to above expenses shall be allowed to the district attorney for the purpose of employing a stenographer for his office
- Coroner 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Administrator. 10. The public administrator such fees as are now or may be hereafter allowed by law.
- Superintendent of schools 11. The superintendent of schools, twenty-seven hundred dollars per annum and traveling expenses while visiting schools of his county; and for services as secretary of the board of education he shall receive five dollars per day for each day said board is in session.
- Surveyor 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month.
- Constables. 14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.
- Supervisors 15. Supervisors the sum of one hundred and twenty-five dollars per month each; mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate two hundred and fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.
16. The official reporters, same as now provided by law.
- Jurors. 17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance

the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

SEC. 2. The compensation, fees, mileage and expenses provided for herein are intended to affect present incumbents and shall take effect and be in force ninety days after the passage and approval of this act.

CHAPTER 385.

*An act to amend an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the state board of health in relation thereto," approved June 13, 1913, by amending sections one and two, both relating to cold storage.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the state board of health in relation thereto," approved June 13, 1913, is hereby amended to read as follows:

Section 1. The term "cold storage" as used in this act shall be construed to mean a place artificially cooled to a temperature of forty degrees Fahrenheit or below but shall not include such a place in a private home, hotel, restaurant, or exclusively retail establishment not storing articles of food for other persons. The term "cold stored" as used in this act shall be construed to mean the keeping of "articles of food," in "cold storage" for a period exceeding thirty days. The term "articles of food" as used in this act shall be construed to mean and include fresh meat and fresh meat products (except in process of manufacture), fresh and dried fruit and vegetables, fish, shellfish, game, poultry, eggs, butter and cheese. The term "storer" as used in this act shall be construed to mean the person or persons who offer articles of food for cold storage.

"Cold storage" defined

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

Sec. 2. Any person, firm or corporation desiring to operate a cold storage or refrigerating warehouse wherein shall be stored "articles of food" for a period exceeding thirty days, shall make application in writing to the state board of health for that purpose, stating the location of its plant or plants. On receipt of the application the state board of

Application to operate cold storage.

health shall cause an examination to be made into the sanitary condition of said plant or plants and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the state board of health shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during a period of one year. The license shall be issued upon payment by the applicant of a license fee to the state board of health for each and every warehouse or plant operated by applicant under the provisions of this act for all cold storage or refrigerating warehouses or plants having a capacity of ten thousand cubic feet, or less, a fee of fifteen dollars. For all cold storage or refrigerating warehouses or plants having a capacity of more than ten thousand cubic feet and less than fifty thousand cubic feet, a fee of thirty dollars. For all cold storage or refrigerating warehouses or plants having a capacity of more than fifty thousand cubic feet and less than one hundred thousand cubic feet, a fee of forty dollars. For all cold storage or refrigerating warehouses or plants having a capacity of one hundred thousand cubic feet or more, a fee of fifty dollars.

Disposition  
of fees

The secretary of the state board of health shall keep a full and correct account of all fees received under the provisions of this act, and shall, at least once each month, deposit all such fees collected with the state treasurer, and make a detailed report covering same to the state controller, and such monies shall be credited to the traveling and contingent fund of the state board of health to be used exclusively for the purposes of this act; *provided, however*, that nothing in this act contained shall apply to cold storage or cold storage or refrigerating plants or warehouses as herein defined which are maintained or operated by restaurants, hotels, or exclusively retail establishments not storing articles of food for other persons

CHAPTER 386.

*An act to amend sections one and eleven of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1 Section one of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,' " approved June 12, 1913, is hereby amended to read as follows:

Section 1 Within thirty days after this act takes effect the state board of health shall establish and maintain a department of examination and registration of graduate nurses, as hereinafter provided. The state board of health shall appoint a director, whose salary shall be fixed by the board, and said director shall have been graduated from an accredited training school for nurses as defined in this act, and shall be duly registered under the provisions of this act. Said director shall visit and inspect all training schools in this state, subject to the provisions of this act, at such times as may be required by the secretary of the board and shall perform all duties required by this act and such other duties as may be required by the state board of health in order to carry out the objects and provisions of this act. Lists of accredited training schools for nurses and a register of the names of all nurses duly registered under this act shall be prepared and kept by the department. An annual report shall be prepared and filed before January first of each year.

Examination and registration of graduate nurses

Director

Accredited training schools

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

Monthly  
financial  
report

SEC. 11. Within ten days after the beginning of each month the secretary of the state board of health shall report to the controller the amount and source of all collections made under the provisions of this act, and at the same time all such amounts shall be paid into the state treasury and shall be placed to the credit of the special fund to be known as the fund for examination and registration of nurses. All amounts paid into this fund shall be held subject to the order of the state board of health, to be used only for the purpose of meeting necessary expenses in the performance of the purposes of and the duties imposed by this act. Claims against the fund shall be audited by the state board of health and by the board of control and shall be paid by the state treasurer upon warrants drawn by the state controller.

#### CHAPTER 387.

*An act to amend section six hundred thirty a of the Penal Code of the State of California, relating to the regulation of the business of wholesale dealers in fish and game and providing for a record of the transactions therein.*

[Approved May 19 1915. In effect August 8, 1915.]

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

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

Reports of  
wholesale  
fish dealers

630a. All persons, firms, corporations, wholesale dealers, commission dealers or retail dealers who purchase or receive from fishermen or hunters or takers any fish, game, mollusks or crustaceans for the purpose of re-selling or dealing with the trade; and all persons, firms, corporations, wholesale dealers, commission dealers or retail dealers engaged in the wholesale, commission or retail business, who catch, take or kill their own fish, game, mollusks or crustaceans, shall render to the fish and game commission of the State of California on or before the tenth day of each month, on blanks to be furnished by said fish and game commission, a true and correct statement showing the amount of each species of fish and game, including mollusks and crustaceans, stated separately, so purchased or taken during the previous month, together with the name and address of the person or persons from whom the said fish, game, mollusks or crustaceans were received. For the purpose of this chapter, a wholesale dealer is a person or firm who deals in fish or game with the trade.

Penalty

Every person who violates any of the provisions of this section is guilty of a misdemeanor; and all fines and forfeitures imposed and collected for violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 388.

*An act to add a new section to the Penal Code of the State of California, to be numbered six hundred twenty-six, relating to the protection of game.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

626s. Every person who, in fish and game districts numbers twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, hunts, pursues, takes, catches, kills, destroys or has in possession any wild bird or wild animal, excepting the predatory birds and animals designated in this chapter, or who, within the boundaries of said fish and game districts numbers twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, hunts, pursues, takes, catches, kills, destroys or has in possession any predatory bird or animal, without first having secured written permission from the board of fish and game commissioners, shall be guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the hunting, pursuing and killing of waterfowl in game district twenty-eight, in accordance with the provisions prescribed in this chapter. Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail of the county in which conviction shall be had, not less than fifty days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Protection  
of game in  
districts  
Nos. 24-29

CHAPTER 389.

*An act providing for the sale of certain state lands.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. The unsold portions of the sixteenth and thirty-sixth sections of school lands not included within the exterior boundaries of national reservations, the unsold portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth

Sale of  
school lands  
authorized

sections and losses to the school grant, shall be sold at public auction by the surveyor general, under such rules and regulations as may be prescribed by him, to the highest bidder, who must be a citizen of the United States, the sale to be advertised in some newspaper in the county in which the land is situated, or if there is no newspaper published in the county, then in some newspaper of general circulation in the county, said newspaper to be designated by the state board of control; *provided, however*, that any such lands which in the judgment of the surveyor general contain growth valuable for forest cover protection to water sheds, or are valuable for reservoir sites, shall be withheld from sale by the state; the full purchase price of the land, or ten per cent thereof and interest to the first day of January following, at the rate of six per cent per annum on the unpaid balance of the purchase price, to be paid at the time of the acceptance of the bid; the unpaid balance of the purchase price shall bear interest at the rate of six per cent per annum, payable in advance on the first day of each year, at which time the purchaser may pay as many one-tenths of the purchase price as he may desire; *provided*, that the legislature may require the payment of the unpaid balance of the purchase price within five years after the passage of an act requiring such payment. All payments to be made to the county treasurer of the county in which the land is situated.

SEC. 2. When the full purchase price has been paid the purchaser shall be entitled to a patent for the land.

SEC. 3. Those parts of all acts in conflict with this act are hereby repealed.

## CHAPTER 390.

*An act to amend section six hundred thirty-six of the Penal Code of the State of California, relating to the protection of fish.*

[Approved May 19, 1915. In effect August 9, 1915.]

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

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

636. 1. Every person who shall cast, extend, use or continue, or who shall assist in casting, extending, using or continuing any "Chinese sturgeon lines," set-lines, or lines of a similar character, or any pound, weir, set-net, set-line, trap or any other fixed or permanent contrivance for catching fish, shellfish or crabs in the waters of this state shall be guilty of a misdemeanor; except as hereinafter provided.

2. Every person who shall cast, extend, use or continue, or who shall assist in casting, extending, using or continuing any two-mesh or three-mesh or trammel net in the waters of the State of California is guilty of a misdemeanor; *provided*, that

Use of  
Chinese  
sturgeon  
lines etc.  
prohibited

Use of nets  
limited

in fish and game districts numbers ten, eighteen and nineteen it shall be lawful to use two-mesh or three-mesh or trammel nets, for the taking of fish only, the meshes of which when drawn closely together and measured inside the knots, shall measure eight inches or more in length, but such net shall not remain in a fixed or set condition for a period of time of more than six hours from the time of casting, extending or setting such net, without taking up such net and removing such fish as may have been taken therein; *provided, further*, that nothing in this section shall prohibit the use of crawfish traps for taking crawfish in fish and game district number nineteen, or of crab nets for taking crabs in fish and game districts numbers five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen

Crawfish traps

3 Every person who takes, catches or kills any salmon, shad or striped bass with any seine or net, the cork line of which shall be submerged more than twelve feet below the surface, or with any net, all the meshes of which are not approximately the same size and vary more than one inch, shall be guilty of a misdemeanor.

T. trap; salmon, shad, bass

4 Every person who, at any time shall cast, extend, set, draw, use or continue or assist in casting, extending, setting, drawing, using or continuing any beach seine, except as hereinafter provided is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the use of beach seines in fish and game districts numbers nine, eleven, twelve, twelve a, thirteen and twenty-two; *provided, further*, that any person who, in fish and game districts numbers twelve and twelve a uses any beach seine, the meshes of which when drawn closely together and measured inside the knots, shall measure less than five and one-half inches in length, is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the use of beach seines in fish and game district number nineteen, for smelt only, between the first day of September and the thirty-first day of January of the year following, both dates inclusive; *provided, further*, that every person who, in fish and game district number nineteen, uses any beach seine, the meshes of which, when drawn closely together and measured inside the knots, shall measure less than one and one-half inches in length, is guilty of a misdemeanor.

Beach seine.

5. For the purposes and in the meaning of this section, every net or line shall be considered a set-net or set-line that is made fast to the bank or ground or that shall foul the bank or ground or shall be made fast in any way and shall not be free to drift with the current or tide.

Set-nets defined

6. Every person who shall cast, extend, use or continue, or who shall assist in casting, extending, using or continuing any circle seine, purse seine or lampara net for the purpose of catching fish, shellfish, shrimp or crabs in the waters of this state, shall be guilty of a misdemeanor; *provided*, that in fish and game district number twenty-one, it shall be lawful to cast,

Circle seine

extend, use or continue a circle seine, or blanket net, the meshes of which when drawn closely together and measured inside the knots, shall measure one inch or less in length for the purpose of taking bait only; *provided, further*, that in fish and game district number sixteen, it shall be lawful to cast, extend, use or continue a circle seine, purse seine or lampara net for the purpose of taking squid, anchovies and sardines, only; *provided, further*, that in fish and game districts numbers nine, ten, eleven, twelve, thirteen, seventeen, eighteen, nineteen and twenty-two it shall be lawful to cast, extend, use or continue any circle, seine, purse or lampara net.

7. Every person who, in fish and game districts numbers one, two, three, four, fourteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, shall cast, extend or use, or who shall assist in casting, extending or using any net for the purpose of taking fish, mollusks or crustaceans is guilty of a misdemeanor.

8. Every person who, in fish and game district number fourteen, takes, catches or kills fish in any manner, is guilty of a misdemeanor.

Fyke nets

9. Nothing in this section shall prevent the use of fyke nets, without wings, in fish and game district number twelve, for catfish, carp, pike, hardhead, split-tails and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided, however*, that the mesh of said nets shall, when drawn closely together and measured inside the knots, measure not less than two and one-half inches in length, and any catfish taken in these fyke nets which do not comply with the measures required by section six hundred twenty-eight of the Penal Code, shall be immediately restored to the water alive, and shall not be retained in live cars or boats.

Recovering fish from overflowed areas

10. Nothing in this section shall prevent the fish and game commission, or persons authorized by them, from using any net for the purpose of recovering fish from overflowed areas or land-locked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Condemned nets

11. Be it provided, that any net, duly condemned in accordance with the provisions of section six hundred thirty-six *a* of the Penal Code, shall be destroyed or sold by order of the fish and game commission, and when sold all proceeds collected for the sale of such net or nets shall be paid into the state treasury to the credit of the fish and game preservation fund.

Use of nets by commission.

12. Nothing in this section shall prohibit the fish and game commission, or any one authorized by them, or the United States bureau of fisheries, from using such nets or traps or weirs, in the waters of the state, as they deem necessary for the carrying on of scientific inquiry, or for the propagation of fish or any marine animal.

Penalty.

SEC. 2. Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction

thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all fines or forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

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CHAPTER 391.

*An act to amend section three thousand five hundred fifty-five of the Political Code, relating to the judgment and costs of foreclosing the interests of purchasers of state lands.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

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

3555. Upon the rendition of a judgment foreclosing the interest of the purchaser or of his assigns in the land and annulling the certificate of purchase, judgment for costs must be entered against the defendant; but if execution issued thereon is returned not satisfied, the judgment and costs must be paid from the total principal or interest paid by the purchaser upon the original location, and if such paid in principal and interest are insufficient, the balance of said judgment and costs must be audited and paid from the general fund of the state treasury; *provided*, that no payment for judgment and costs shall be made from the general fund of the state treasury except where the payments of principal and interest on the purchase of said land have been paid into the state treasury.

Costs in  
state lands  
actions

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CHAPTER 392.

*An act appropriating money to pay the claim of Frank D. Scott against the State of California.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. The sum of six hundred ninety-nine and eighty-hundredths dollars is hereby appropriated out of any other money in the school land fund in the state treasury not otherwise appropriated, to pay the claim of Frank D. Scott against the State of California, and the state controller is hereby directed to draw his warrant in favor of Frank D. Scott, for said sum of six hundred ninety-nine and eighty-hundredths dollars and the state treasurer is hereby directed to pay the same.

Appropriation claim.  
F. D. Scott.

## CHAPTER 393.

*An act making appropriations for the support of the government of the State of California for the sixty-seventh and sixty-eighth fiscal years.*

[Approved May 19, 1915. In effect immediately.]

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

General  
appropriations

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the government of the State of California for the sixty-seventh and sixty-eighth fiscal years; *provided*, that in all cases in which statutory provision has already been made for salaries or for other regular annual appropriations the amounts herein appropriated shall be deemed to be the same amounts appropriated by such statutes, and not additional thereto:

## LEGISLATIVE DEPARTMENT.

Legislative  
department

For salaries of senators, forty thousand dollars.

For mileage of lieutenant governor and senators, four thousand four hundred dollars.

For pay of officers, clerks and all other employees of the senate, fifty thousand dollars.

For contingent expenses of senate, fifteen thousand dollars.

For salaries of assemblymen, eighty thousand dollars.

For mileage of assemblymen, seven thousand five hundred dollars.

For pay of officers, clerks and all other employees of the assembly, fifty thousand dollars.

For contingent expenses of the assembly, eighteen thousand dollars.

For printing, binding and all other work performed and materials furnished by the state printing office to the legislature, eighty-five thousand dollars.

## JUDICIAL DEPARTMENT.

Judicial  
department.

For salaries of justices of supreme court, one hundred twelve thousand dollars.

For salaries of two secretaries supreme court, nine thousand six hundred dollars.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salary of one assistant reporter of decisions of supreme court and district courts of appeal, four thousand eight hundred dollars.

For salary of librarian of supreme court, three thousand dollars.

For salaries of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of two bailiffs of supreme court, seven thousand two hundred dollars.

For expenses of supreme court under section forty-seven, Judicial department Code of Civil Procedure, sixty-one thousand dollars.

For postage and contingent expenses of the supreme court, two hundred fifty dollars.

For salary of clerk of supreme court, ten thousand dollars.

For salary of chief deputy clerk of supreme court, four thousand eight hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-one thousand six hundred dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For salary of porter for office of clerk of supreme court at Sacramento, one thousand four hundred forty dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For printing, etc., clerk of supreme court, two thousand five hundred dollars.

For salaries of justices of district courts of appeal, one hundred twenty-six thousand dollars.

For salaries of three clerks of district courts of appeal, sixteen thousand two hundred dollars.

For salaries of three deputy clerks of district courts of appeal, twelve thousand dollars.

For salaries of three phonographic reporters of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three bailiffs of district courts of appeal, nine thousand six hundred dollars.

For pay of two porters for first and second district courts of appeal, four thousand three hundred twenty dollars.

For pay of one porter of third district court of appeal, two thousand one hundred sixty dollars.

For postage and contingent expenses of clerks of district courts of appeal, one-third to each, three thousand dollars.

For printing, etc., clerks of district courts of appeal, one-third to each, three thousand dollars.

For rent of quarters for second district court of appeal, eight thousand dollars.

For state's portion of salaries of judges of superior courts, five hundred forty-nine thousand dollars.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENT.

For salary of governor, twenty thousand dollars.

For salary of private secretary to governor, ten thousand Executive department dollars.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For salary of messenger to governor, three thousand dollars.

For salary of stenographer to governor, three thousand dollars.

For salary of chauffeur to governor, three thousand dollars.

For special contingent expenses (secret service), governor's office (exempt from provisions of sections 433 and 672 of Political Code), ten thousand dollars.

For postage, etc., traveling and contingent expenses, governor's office (exempt from section 672 of the Political Code), ten thousand dollars.

For printing, etc., governor's office, one thousand five hundred dollars.

For support of governor's residence (exempt from sections 433 and 672 of Political Code), seventeen thousand five hundred dollars.

For salary of watchman, governor's mansion, two thousand four hundred dollars.

#### LIEUTENANT GOVERNOR.

Lieutenant  
governor.

For salary of lieutenant governor, eight thousand dollars.

#### STATE BOARD OF CONTROL.

State board  
of control

For salaries of members state board of control, thirty thousand dollars.

For salary of secretary to state board of control, seven thousand two hundred dollars.

For salaries of three clerks, ten thousand eight hundred dollars.

For salaries of two stenographers, six thousand dollars.

For salary of messenger, one thousand eight hundred dollars.

For salary of superintendent of accounts, six thousand dollars.

For salaries of two assistant superintendents of accounts, ten thousand eight hundred dollars.

For support and maintenance of state board of control, including traveling and contingent expenses, one hundred sixty-six thousand and one hundred twenty dollars.

#### SECRETARY OF STATE'S OFFICE.

Secretary  
of state's  
office.

For salary of secretary of state, ten thousand dollars.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, office secretary of state, four thousand eight hundred dollars.

For salary of corporation secretary, office secretary of state, five thousand six hundred dollars.

For salary of statistician, office secretary of state, four thousand eight hundred dollars.

For salary of keeper of archives, office secretary of state, four thousand dollars.

For salary of one recording clerk, office of secretary of state, three thousand six hundred dollars.

For salaries of five recording clerks, office secretary of state, sixteen thousand dollars.

For salary of one register clerk, three thousand six hundred dollars.

For salaries of two certificate clerks, office secretary of state, six thousand four hundred dollars.

For salary of messenger, office secretary of state, one thousand eight hundred dollars. Secretary of state's office

For salary of porter, office secretary of state, one thousand four hundred forty dollars.

For salaries of two special legislative clerks, office secretary of state, one thousand dollars.

For postage, expressage and telegraphing, office secretary of state (exempt from section 4 of this act) ten thousand dollars

For contingent and traveling expenses, office secretary of state, two thousand five hundred dollars.

For printing, etc., office secretary of state (exempt from section 4 of this act), nine thousand dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of two clerks, corporation license department, seven thousand two hundred dollars.

For salaries of four clerks, corporation license department, twelve thousand dollars.

For pay of porter, corporation license department, seven hundred twenty dollars.

For pay of messenger, corporation license department, one thousand two hundred dollars.

For postage and contingent expenses, corporation license department, two thousand five hundred dollars.

For printing, etc., corporation license department, four thousand three hundred dollars.

CONTROLLER'S OFFICE.

For salary of controller, ten thousand dollars. Controller's office

For salary of deputy controller, six thousand dollars.

For salary of bookkeeper, controller's office, four thousand eight hundred dollars.

For salary of expert, controller's office, four thousand dollars.

For salary of one clerk, controller's office, three thousand six hundred dollars.

For salaries of three clerks, controller's office, nine thousand six hundred dollars.

For salary of statistician, controller's office, four thousand dollars.

For salary of warrant registrar, controller's office, four thousand dollars.

For salary of stenographer, controller's office, two thousand four hundred dollars.

For pay of porter, controller's office, one thousand four hundred and forty dollars.

For contingent and traveling expenses, controller's office, fifteen thousand two hundred dollars.

For expenses of collecting, compiling and printing county and municipal statistics, two thousand dollars.

For printing, etc., controller's office, five thousand five hundred dollars.

Controller's  
office

For salary of inheritance tax attorney, six thousand dollars.

For salaries of two assistant inheritance tax attorneys, twelve thousand dollars.

For salary of inheritance tax clerk, Sacramento, three thousand six hundred dollars.

For expenses of inheritance tax department, including printing, traveling and contingent expenses, postage, expressage and telegraphing, clerical and other services, and any other expenses necessary and proper to the enforcement of the inheritance tax law, ninety thousand nine hundred dollars.

For salaries of two clerks, corporation tax collection department, seven thousand two hundred dollars.

For salaries of extra clerks, tax collecting department, eleven thousand dollars.

For postage, expressage, telegraphing and contingent expenses, tax collecting department, three thousand two hundred dollars.

For printing, binding and ruling, tax collection department, one thousand eight hundred dollars.

For office equipment, controller's department, one thousand five hundred dollars.

#### TREASURER'S OFFICE.

Treasurer's  
office.

For salary of state treasurer, ten thousand dollars.

For salary of deputy state treasurer, six thousand four hundred dollars.

For salary of cashier, treasurer's office, five thousand dollars.

For salary of bond officer, treasurer's office, five thousand dollars.

For salaries of two bookkeepers, treasurer's office, eight thousand eight hundred dollars.

For salary of stenographer, treasurer's office, two thousand four hundred dollars.

For salaries of four watchmen, treasurer's office, ten thousand five hundred sixty dollars.

For pay of porter, treasurer's office, one thousand four hundred forty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, treasurer's office, three thousand two hundred dollars.

For printing, etc., treasurer's office, one thousand nine hundred dollars.

#### ATTORNEY GENERAL'S OFFICE.

Attorney  
general's  
office.

For salary of attorney general, twelve thousand dollars.

For salary of assistant attorney general, eight thousand dollars.

For salary of chief deputy to attorney general, eight thousand dollars.

For salaries of two deputies to attorney general, thirteen thousand two hundred dollars.

For salaries of three deputies to attorney general, eighteen thousand dollars.

For salaries of two clerks, attorney general's office, seven thousand two hundred dollars. Attorney  
general's  
office

For salary of phonographic reporter, attorney general's office, three thousand six hundred dollars.

For salaries of four stenographers, attorney general's office, nine thousand six hundred dollars.

For pay of porter, attorney general's office at Sacramento, nine hundred sixty dollars.

For postage, expressage, telegraphing and contingent expenses, attorney general's office, four thousand dollars.

For traveling expenses, attorney general's office, one thousand dollars.

For costs and expenses of suits wherein the state is a party in interest, seven thousand five hundred dollars.

For office rent of attorney general in San Francisco, six thousand dollars.

For purchase of law books, attorney general's office, two thousand dollars.

For printing, etc., attorney general's office, six thousand dollars.

For payment of expenses incidental to conserving state lands, quieting evidence, and quieting and canceling outstanding evidences of title, five thousand dollars.

For office rent of assistant attorney general at Los Angeles, one thousand eight hundred dollars.

LEGISLATIVE COUNSEL BUREAU.

For support and salaries, twenty-five thousand dollars. Legislative  
counsel  
bureau.

SURVEYOR GENERAL.

For salary of surveyor general, ten thousand dollars. Surveyor  
general.

For salary of deputy surveyor general, six thousand dollars.

For salary of assistant surveyor general, four thousand five hundred dollars.

For salaries of three clerks, surveyor general's office, ten thousand eight hundred dollars.

For salaries of three clerks, register state land office, ten thousand eight hundred dollars.

For pay of porter, surveyor general's office, nine hundred sixty dollars.

For postage, expressage and telegraphing, surveyor general's office, one thousand seven hundred dollars.

For contingent and traveling expenses, surveyor general's office, one thousand dollars.

For purchase of and copying maps and records, checking surveys, and securing necessary data, surveyor general's office, four thousand eight hundred dollars.

For printing, etc., surveyor general's office, one thousand seven hundred dollars.

For traveling expenses of surveyor general and attorney general when engaged in official state business in relation to land, one thousand dollars.

## SUPERINTENDENT OF STATE PRINTING.

Superintendent of state printing.

For salary of superintendent of state printing, ten thousand dollars.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

## STATE BOARD OF EQUALIZATION.

State board of equalization

For salaries of members of the state board of equalization, thirty-two thousand dollars.

For salary of secretary, state board of equalization, six thousand dollars.

For pay of porter, state board of equalization, nine hundred sixty dollars.

For postage, expressage, telegraph, and contingent expenses, state board of equalization, one thousand dollars.

For clerical and expert assistance, printing, postage and all other expenses involved in making the assessment of taxes, thirty-six thousand dollars.

For traveling and contingent clerical expenses, state board of equalization (Political Code, section 3702), twelve thousand dollars.

For printing, etc., state board of equalization, five thousand dollars.

## SUPERINTENDENT CAPITOL BUILDING AND GROUNDS.

Superintendent capitol building and grounds

For salary of superintendent of capitol building and grounds, six thousand dollars.

For salary of clerk to superintendent of capitol building and grounds, three thousand six hundred dollars.

For salary of engineer, three thousand six hundred dollars.

For salary of additional engineer during session of the legislature, six hundred dollars.

For salary of fireman, two thousand five hundred twenty dollars.

For salary of additional fireman during session of the legislature, four hundred twenty dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of additional electrician during session of legislature, six hundred dollars.

For pay of head porter, two thousand four hundred dollars.

For pay of seven special policemen, eighteen thousand four hundred eighty dollars.

For pay of two elevator attendants, four thousand three hundred twenty dollars.

For pay of two additional elevator attendants during session of legislature, seven hundred twenty dollars.

For pay of three telephone operators, five thousand four hundred dollars.

For pay of two additional telephone exchange operators during session of legislature, six hundred dollars.

For pay of one telephone exchange operator for six weeks each year, two hundred twenty-five dollars.

For purchase carpets and furniture for capitol building and departments, five thousand dollars. Superintendent capitol building and grounds.

For water for capitol building and grounds, three thousand six hundred dollars.

For repairs to capitol building and furniture, five thousand dollars.

For stationery, fuel, lights and supplies, twenty thousand dollars.

For salary of head gardener, three thousand six hundred dollars.

For pay of gardeners, porters, and other help in capitol building and grounds, fifty-four thousand five hundred dollars.

For purchase of implements, etc., and care and improvement of grounds of state capitol and executive mansion (exempt from section 4 of this act), fourteen thousand three hundred thirty dollars.

For traveling and contingent expenses, superintendent capitol building and grounds, two hundred forty dollars

Salary of emergency electrician one month, one hundred fifty dollars.

For salary of typewriter expert, two thousand four hundred dollars

BOARD OF RAILROAD COMMISSIONERS.

For salaries of commissioners, eighty thousand dollars. Board of railroad commissioners

For salaries of other civil executive officers in office of board of railroad commissioners and the support of the commission, three hundred ninety thousand dollars.

INSURANCE COMMISSIONER.

For salary of insurance commissioner, eight thousand dollars. Insurance commissioner.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

CIVIL SERVICE COMMISSION.

For salaries of members of the commission, eighteen thousand dollars. Civil service commission

For support of the commission, forty-two thousand dollars.

IMMIGRATION AND HOUSING COMMISSION.

For support of the commission, sixty thousand dollars. Immigration and housing commission.

WEIGHTS AND MEASURES.

For salary of superintendent of weights and measures, seven thousand two hundred dollars. Weights and measures

For salary of deputy superintendent of weights and measures, three thousand six hundred dollars.

For support of department of weights and measures, eleven thousand four hundred dollars.

STATE WATER COMMISSION.

For salaries of three commissioners, thirty thousand dollars. State water commission.

For support of the commission including salaries of office assistants, field men, and other expenses incident to the work of the commission, forty-five thousand dollars.

## INDUSTRIAL WELFARE COMMISSION.

Industrial  
welfare  
commission.

For support of the commission, thirty thousand dollars.

## STATE BOARD OF HEALTH.

State board  
of health.

For salary of secretary, state board of health, nine thousand dollars.

For salary of assistant secretary, state board of health, four thousand eight hundred dollars.

For salary of attorney, state board of health, six thousand dollars.

For salary of statistician, state board of health, four thousand eight hundred dollars.

For salary of deputy statistician, state board of health, three thousand two hundred dollars.

For salary of two copyists, state board of health, three thousand six hundred dollars.

For salary of clerk, state board of health, three thousand two hundred dollars.

For salary of director pure food and drug laboratory, state board of health, six thousand dollars.

For salary of assistant director pure food and drug laboratory, state board of health, three thousand dollars.

For salary of stenographer, state board of health, two thousand four hundred dollars.

For traveling and contingent expenses, state board of health, thirty-five thousand four hundred dollars.

For support pure food and drug laboratory, state board of health, fifty-eight thousand dollars.

For support state hygienic laboratory, state board of health, thirty-six thousand three hundred fifty dollars.

For purchase, etc., anti-rabic virus, five thousand dollars.

For printing, etc., state board of health, eight thousand dollars.

## BUREAU OF LABOR STATISTICS.

Bureau of  
labor  
statistics.

For salary of commissioner, bureau of labor statistics, eight thousand dollars.

For salary of deputy commissioner, bureau of labor statistics, four thousand eight hundred dollars.

For salary of deputy commissioner at Los Angeles, four thousand eight hundred dollars.

For salary of assistant deputy commissioner, bureau of labor statistics, four thousand two hundred dollars.

For salary of statistician, bureau of labor statistics, four thousand two hundred dollars.

For salary of stenographer, bureau of labor statistics, two thousand four hundred dollars.

For salary of attorney, bureau of labor statistics, four thousand eight hundred dollars.

For office rent, bureau of labor statistics, three thousand six hundred dollars.

For salaries of assistants, traveling and contingent expenses, bureau of labor statistics, the same being the appropriation

made by chapter forty-two, statutes 1909, and not additional thereto, forty thousand dollars.

For printing, etc., bureau of labor statistics, six thousand dollars.

INDUSTRIAL ACCIDENT COMMISSION.

For salaries of members of the commission, thirty thousand dollars. Industrial accident commission.

For support and maintenance of the commission, three hundred forty-six thousand two hundred forty dollars.

HARBOR COMMISSIONERS, EUREKA.

For salaries of three commissioners, two thousand four hundred dollars. Harbor commissioners, Eureka.

For salary of harbormaster, two thousand four hundred dollars.

For salary of secretary to harbor commissioners, two thousand dollars.

For contingent expenses of harbor commissioners at Eureka, the same being the appropriation made by section 2572 of the Political Code, and not additional thereto, three thousand dollars.

NATIONAL GUARD.

For salary of the adjutant general, seven thousand two hundred dollars. National guard.

For salary of the assistant adjutant general, six thousand dollars.

For salary of chief clerk, adjutant general's office, three thousand eight hundred dollars

For salaries of three clerks, adjutant general's office, ten thousand two hundred dollars.

For salary of clerk and stenographer, adjutant general's office, three thousand dollars.

For salary of military storekeeper, adjutant general's office, two thousand four hundred dollars.

For salary of assistant military storekeeper, adjutant general's office, one thousand eight hundred dollars.

For postage, expressage, telegraphing, adjutant general's office, two thousand five hundred dollars.

For care of state armory, cleaning and transportation of arms and traveling and contingent expenses, seven thousand dollars.

For target practice and purchase of medals, national guard, twenty thousand dollars.

For allowance for brigade headquarters, national guard, four thousand eight hundred dollars.

For allowance for regimental headquarters and bands, national guard, twenty-nine thousand four hundred dollars.

For armory rents and other expenses of the national guard, two hundred forty-five thousand dollars.

For traveling expenses and per diem of officers and enlisted men on detail duty, also traveling expenses of United States

National  
guard.

army and navy officers detailed for duty with the national guard, thirteen thousand dollars.

For hospital supplies, national guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, naval militia, eight thousand dollars.

For purchase of uniforms and equipment, National Guard (exempt from section 4 of this act), ten thousand dollars.

For expenses of court martial and contingent expenses thereof, one thousand dollars.

For pay of enlisted men at joint maneuver camps of national guard and United States army, and annual cruises of instruction of naval militia, sixty thousand dollars.

For allowance to chief surgeon, one thousand dollars.

For allowance to officers, under provisions of section 2078, Political Code, fifteen thousand dollars.

For printing, etc., adjutant general's office, six thousand dollars.

#### STATE ENGINEERING DEPARTMENT.

State  
engineering  
department.

For salaries of three appointed members, twenty-one thousand six hundred dollars.

For salary of state engineer, ten thousand dollars.

For salary of highway engineer, twenty thousand dollars.

For salaries of two assistant state engineers, twelve thousand dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer for state engineering department, four thousand eight hundred dollars.

For salaries of three architectural draughtsmen, for state engineering department, twelve thousand dollars.

For salaries of two engineer's draughtsmen for state engineering department, eight thousand dollars.

For salary of one testing engineer for state engineering department, four thousand two hundred dollars.

For salary of one mechanical engineer for state engineering department, five thousand four hundred dollars.

For salaries of two filing clerks, state engineering department, seven thousand two hundred dollars.

For salary of blue print pressmen, state engineering department, three thousand dollars.

For salary of secretary, state engineer, four thousand eight hundred dollars.

For salaries of two clerks and stenographers, state engineering department, six thousand dollars.

For pay of porter and messenger, state engineering department, one thousand eight hundred dollars.

For contingent and traveling expenses, state engineering department, thirty-five thousand dollars.

For printing, etc., state engineering department, five thousand dollars.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent of public instruction, ten thousand dollars. Superintendent of public instruction

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of statistician, superintendent of public instruction's office, four thousand eight hundred dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of bookkeeper, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of assistant bookkeeper, superintendent of public instruction's office, two thousand one hundred sixty dollars.

For clerical assistance—distributing school books, four hundred dollars.

For postage, expressage and telegraphing, superintendent of public instruction's office, two thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section 1532, Political Code), three thousand six hundred dollars.

For printing; etc., superintendent of public instruction's office, twenty thousand dollars.

For textbooks for orphans (statutes 1907, chapter 472), two thousand five hundred dollars.

STATE LIBRARY.

For salary of state librarian, seven thousand two hundred dollars. State Library.

For support and maintenance of state library, one hundred ninety thousand dollars.

UNIVERSITY OF CALIFORNIA.

For support and maintenance of University of California, four hundred thousand dollars. University of California

For support, maintenance and equipment of college of agriculture of University of California, including support of the university farm school at Davis and also support of all experimental stations, all pathological and other investigations, farmer's institutes and all agricultural departments connected with the University of California, and also including appropriations as provided in chapter 515, statutes 1911, and also including thirty-one thousand two hundred seventy-five dollars to be used for the purpose of carrying out the Smith-Lever act, seven hundred thousand dollars.

For support and maintenance of Scripp's Institution of Biological Research, twenty-five thousand dollars.

For support of work of insecticide and fungicide laboratory provided for in chapter 653, statutes of 1911, ten thousand dollars.

## STATE BOARD OF EDUCATION.

State board  
of education

For per diem of members of board of education, traveling and contingent expenses of board and commissioners of education and salaries of office employees, forty thousand dollars.

For salaries of commissioners of education, twenty-four thousand dollars.

## STATE NORMAL SCHOOLS.

State  
normal  
schools.

For support of state normal school at San Jose, twenty thousand dollars.

For salaries of officers, teachers and employees of same, one hundred seventy thousand dollars.

For care and improvement of grounds of same, six thousand dollars.

For library, museum and purchase of scientific apparatus of same, five thousand five hundred dollars.

For printing, etc, state normal school at San Jose, two thousand dollars.

For support of state normal school at Los Angeles, thirty-two thousand dollars.

For salaries of officers, teachers and employees of same, two hundred seventy thousand dollars.

For care and improvement of grounds of same, eight thousand dollars.

For library, museum and purchase of scientific apparatus for same, six thousand five hundred dollars.

For printing, etc, state normal school at Los Angeles, two thousand dollars.

For support of state normal school at Chico, nine thousand dollars.

For salaries of officers, teachers and employees of same, eighty-eight thousand dollars.

For care and improvement of grounds of same, three thousand seven hundred fifty dollars.

For library, museum and purchase of scientific apparatus for same, two thousand three hundred dollars.

For printing, etc., state normal school at Chico, one thousand two hundred dollars.

For support of state normal school at San Diego, nine thousand dollars.

For salaries of officers, teachers and employees, ninety-three thousand dollars.

For care and improvement of grounds of same, five thousand eight hundred sixty dollars.

For library, museum and purchase of scientific apparatus for same, three thousand dollars.

For printing, etc, state normal school at San Diego, one thousand two hundred dollars.

For support of state normal school at San Francisco, eight thousand dollars.

For salaries of officers, teachers and employees of same, one hundred three thousand dollars.

For care and improvement of grounds of same, one thousand dollars State normal schools.

For library, museum and purchase of scientific apparatus for same, two thousand five hundred dollars.

For printing, etc., state normal school at San Francisco, one thousand two hundred dollars.

For support of state normal school at Santa Barbara, seven thousand dollars.

For salaries of officers, teachers and employees of same, seventy thousand dollars.

For care and improvement of grounds of same, one thousand two hundred dollars.

For library, museum and purchase of scientific apparatus for same, six hundred dollars.

For printing, etc., state normal school at Santa Barbara, four hundred dollars.

For support of state normal school at Fresno, nine thousand seven hundred fifty dollars.

For salaries of officers, teachers and employees of same, ninety thousand dollars.

For care and improvement of grounds of same, four thousand dollars.

For library, museum and scientific apparatus for same, two thousand five hundred dollars.

For printing, etc., state normal school at Fresno, one thousand dollars.

For support of state normal school at Humboldt, four thousand eight hundred ten dollars.

For salaries of officers, teachers and employees of same, fifty-six thousand seven hundred forty dollars.

For care and improvement of grounds of same, one hundred fifty dollars.

For library, museum and scientific apparatus for same, two thousand five hundred seventy-five dollars.

For printing, etc., state normal school at Humboldt, one thousand nine hundred ten dollars.

CALIFORNIA POLYTECHNIC SCHOOL.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, thirty thousand dollars. California Polytechnic School

For salaries of officers, teachers and employees of same, seventy-five thousand dollars.

For care and improvement of grounds of same, seven thousand dollars.

For library for same, one thousand seven hundred dollars.

For printing, etc., California Polytechnic School, one thousand five hundred dollars.

HASTINGS COLLEGE OF THE LAW.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars. Hastings College of the Law

For rental, Hastings College of the Law, four thousand eight hundred dollars.

## CALIFORNIA SCHOOL FOR DEAF AND BLIND.

California  
School for  
Deaf and  
Blind

For support of school for deaf and blind at Berkeley, seventy-five thousand dollars.

For salaries of officers teachers and employees of same, one hundred forty thousand dollars.

For printing, etc., school for deaf and blind at Berkeley, six hundred dollars.

## INDUSTRIAL HOME FOR ADULT BLIND.

Industrial  
Home for  
Adult Blind

For support of industrial home for adult blind at Oakland, thirty-eight thousand dollars.

For salaries of officers and employees of same, twenty-five thousand dollars.

For printing, etc, for industrial home for adult blind, six hundred dollars.

## STATE MINING BUREAU.

State  
mining  
bureau.

For salary of state mineralogist, seven thousand two hundred dollars.

For support of the mining bureau, including salaries, ninety thousand dollars.

## VITICULTURAL COMMISSION.

Viticul-  
tural  
commission.

For support of the commission, fifteen thousand dollars.

## STATE AGRICULTURAL SOCIETY.

State  
agricultural  
society

For aid to state agricultural society, thirty-three thousand dollars.

For salary of secretary, six thousand dollars.

For salary of assistant secretary, three thousand dollars.

For salary of stenographer, one thousand eight hundred dollars.

For salary of night watchman, one thousand eight hundred dollars.

For salary of gardener, one thousand eight hundred dollars.

For traveling expenses of the directors of the state agricultural society, three thousand dollars.

For assistant gardener, to be employed six months each year, nine hundred dollars.

For pay of trackman, two thousand four hundred dollars.

## STATE COMMISSIONER OF HORTICULTURE.

State com-  
missioner of  
horticulture

For salary of commissioner, eight thousand dollars.

For salary of deputy commissioner, four thousand eight hundred dollars.

For salary of secretary, four thousand eight hundred dollars.

For salary of superintendent of state insectary, four thousand eight hundred dollars.

For salary of assistant superintendent of state insectary, three thousand six hundred dollars.

For salary of field deputy, insectary division, three thousand dollars.

For salary of chief deputy quarantine inspector at San Francisco, four thousand eight hundred dollars.

For salary of deputy quarantine officer at San Francisco, three thousand six hundred dollars.

For salary of chief clerk at Sacramento office, three thousand dollars.

For use and support of office of commissioner of horticulture, searching for beneficial insects, and use and support of state insectary, fifty-five thousand dollars.

For printing, etc., commissioner of horticulture, seven thousand five hundred dollars.

For salary of deputy quarantine officer at Los Angeles, three thousand six hundred dollars.

STATE VETERINARIAN.

For salary of state veterinarian, seven thousand two hundred dollars. State veterinarian

For salary of assistant state veterinarian, six thousand dollars.

For salary of deputy state veterinarian, three thousand six hundred dollars.

For salary of clerk to state veterinarian, three thousand two hundred dollars.

For traveling and contingent expenses of the office of state veterinarian, including sheep inspecting, twenty-two thousand dollars.

For printing, etc., state veterinarian, four hundred dollars.

STATE DAIRY BUREAU.

For support of state dairy bureau, sixty thousand dollars. State dairy bureau.

STATE BOARD OF FORESTRY.

For salary of state forester, six thousand dollars. State board of forestry

For salary of deputy state forester, three thousand six hundred dollars.

For salary of assistant state forester, three thousand two hundred dollars.

For support of state board of forestry, including field and traveling expenses, twenty-seven thousand dollars.

For printing, etc., state board of forestry, six thousand dollars.

CALIFORNIA REDWOOD PARK.

For improvement and maintenance, California Redwood park, twenty thousand dollars. California Redwood park

SUTTER'S FORT AND MARSHALL MONUMENT.

For salary of guardian, Marshall Monument and grounds, one thousand two hundred dollars. Sutter's Fort and Marshall Monument

For care of grounds, Marshall Monument, two hundred fifty dollars.

For salary of guardian of Sutter's Fort, one thousand eight hundred dollars.

For salary of gardener, Sutter's Fort, two thousand four hundred dollars.

For salary of assistant gardener, Sutter's Fort, two thousand one hundred sixty dollars.

For maintenance of grounds and buildings at Sutter's Fort, one thousand eight hundred twenty dollars.

VETERANS' HOME.

Veteran's  
Home

For support and maintenance, two hundred seventy thousand dollars.

For printing, etc., Veterans' Home, two thousand dollars.

WOMAN'S RELIEF CORPS HOME.

Woman's  
Relief Corps  
Home

For expense of maintenance of Woman's Relief Corps Home, four thousand dollars.

ORPHAN AID.

Orphan aid

For support of orphans, half-orphans and abandoned children, eight hundred sixty thousand dollars.

For salaries of children's agents, twenty-one thousand six hundred dollars.

For expenses of children's agents, eight thousand dollars.

STATE BOARD OF CHARITIES AND CORRECTIONS.

Charities and  
corrections

For salaries and expenses, state board of charities and corrections, forty thousand dollars.

STATE COMMISSION IN LUNACY.

State com-  
mission in  
lunacy

For salaries of officers and employees and for salary of general superintendent of state hospitals, thirty-six thousand dollars.

For traveling expenses and all other contingent expenses of the commission and its officers and employees, five thousand dollars.

For printing, etc., state commission in lunacy, eight thousand dollars.

HOSPITALS FOR INSANE.

Hospitals  
for insane

For support of Stockton State Hospital, four hundred seventeen thousand dollars

For salaries of officers and employees of same, three hundred forty-two thousand six hundred twenty dollars.

For support of Napa State Hospital, four hundred thousand dollars.

For salaries of officers and employees of same, three hundred thirty-six thousand six hundred dollars.

For support of Agnews State Hospital, three hundred twenty-seven thousand five hundred dollars.

For salaries of officers and employees of same, two hundred forty-eight thousand seven hundred fifty dollars.

For support of Mendocino State Hospital, two hundred forty-one thousand dollars.

For salaries of officers and employees of same, one hundred ninety thousand dollars.

For support of Southern California State Hospital, four hundred sixty-five thousand dollars.

For salaries of officers and employees of same, two hundred eighty-five thousand dollars.

For support of Sonoma State Home, two hundred sixty thousand dollars.

For salaries of officers and employees of same, two hundred twenty-five thousand dollars

TRANSPORTATION EXPENSES.

For transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are committed (exempt from section 4 of this act), two hundred thousand dollars. Transportation expenses

For expenses of returning criminals arrested without the state (exempt from section 4 of this act), twenty-eight thousand dollars.

STATE CORRECTIONAL SCHOOLS.

For support of Preston School of Industry, two hundred forty-five thousand dollars. State correctional schools

For salaries of officers and employees of same, one hundred fifty-six thousand dollars.

For support of Whittier State School, one hundred twenty thousand dollars.

For salaries of officers and employees of same, one hundred six thousand dollars.

For support of California School for Girls, sixty thousand dollars.

For salaries of officers and employees of same, fifty thousand dollars.

STATE BOARD OF PRISON DIRECTORS.

For printing, etc., state board of prison directors, five hundred dollars. Prison directors

STATE PRISONS.

For support of state prison at Folsom, three hundred seven thousand five hundred dollars. State prisons

For salaries of officers and employees of same, two hundred eight thousand dollars.

For support of state prison at San Quentin, four hundred two thousand two hundred dollars.

For salaries of officers and employees of same, two hundred seventy-six thousand dollars.

MISCELLANEOUS.

For official advertising, six thousand dollars. Miscellaneous

For purchase of topographic sheets, one thousand dollars

For care of state burial grounds, two hundred dollars

For payment of premiums on surety bonds of state officers and employees, seven thousand dollars.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller, one hundred thousand dollars.

For rent of offices in Forum building in Sacramento (to be expended under the direction of the state board of control), fifty-five thousand dollars.

For printing, etc., for various officers not heretofore provided for (to be expended under the direction of the state board of control), four thousand five hundred dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor for illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For the payment of expenses incurred by the state treasurer in the preparation of the University of California building bonds and in the advertising of the sale thereof, two thousand five hundred dollars.

Expenditures  
for printing,  
etc

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided for by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of control, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred seventy-two of the Political Code, *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand and eighty-three and two thousand and eighty-five of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Biennial  
statement of  
state officers

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and

institutions have been expended, and the state board of control, is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officer or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the facts surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation a sum not to exceed five hundred dollars for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

Original bills  
required

Revolving  
fund.

Sec. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and seventeen, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the sixty-seventh fiscal year, unless the same has been expressly authorized by this act

Amounts  
expendable  
monthly

Sec. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of

Excess  
expenditures  
forbidden

such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of control, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

Fire  
insurance.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents.

Emergency.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

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## CHAPTER 394.

*An act to amend an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an act entitled 'An act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof: also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven: also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges,*

*and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof;'' approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof, by amending sections six, eight, eleven and seven-teen thereof.*

[Approved May 19, 1915. In effect August 8, 1915]

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

SECTION 1 Section 6 of an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an act entitled 'An act creating a commissioner of public works defining his duties and powers and fixing his compensation' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water

channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof is hereby amended to read as follows:

Employees,  
engineering  
department

Sec. 6. The department of engineering, by and through the state engineer shall have power to appoint two assistant engineers, one state architect, one architectural designer, a secretary, and such additional assistance as the advisory board may, in their judgment, deem necessary, and to fix their salaries and compensation, which officers and appointees shall hold office at the pleasure of the appointive power, and who must be confirmed by the advisory board before proceeding with their duties. Such officers and employees shall devote their entire time to the service of the department.

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

State work  
under  
control of  
department

Sec. 8. All public work done by the state, except as otherwise provided for by law, shall be under the full control of the said department. It shall be the duty of the department of engineering whenever required by the advisory board to make examinations of lands subject to inundation and overflow by flood waters and of the waters causing such inundation or overflow and plans and estimates of the cost of works to regulate and control such flood waters. All matters of drainage, and improving and rectifying river channels and other work on any river or slough flowing into San Francisco bay, San Pablo bay and Suisun bay, and also the tide waters flowing into said bays, shall be placed under the management and control of the department of engineering whenever the law provides therefor. The department of engineering shall have charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. It may purchase, construct and operate one or more dredges or any other needed appliances to promote or properly carry out the work

of the department. The state engineer in the name of the State of California, may obtain or condemn any right of way necessary for any construction herein named and shall proceed if necessary, to condemn under the terms of the Code of Civil Procedure relating to such proceedings. It shall be the duty of the state department of engineering to pass upon all plans, specifications and estimates for the construction of dams now already constructed, in process of construction, or proposed to be constructed for the impounding of water other than the dams now coming under the authority of the California railroad commission. The department shall have the power to employ such additional help for the performance of the work of this section as the advisory board shall order.

Condemnation of rights of way

Additional help.

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

Sec. 11. All architectural work of the department shall be under the charge of the state architect. When, however, it shall be deemed to be for the best interest of the state, the board of control, with the approval of the governor, may require and arrange for public competition, and in all such competitions, the board of control, with the approval of the governor, and with the advice of the state architect, may prescribe a schedule of prizes the total of which, exclusive of the fee of the winner, shall not exceed one per centum of the amount appropriated for any building. The fee of the successful architect shall not exceed six per centum of the cost of said building. The state architect, in company with the state engineer, shall visit and inspect all completed architectural work, and shall certify to the state engineer its proper or improper completion. The state architect shall have general charge, under the state engineer, of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

Architectural work

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

Sec. 17. The highway engineer shall receive not to exceed the sum of ten thousand dollars (\$10,000) per annum; the state engineer shall receive the sum of five thousand dollars (\$5,000) per annum; each assistant state engineer shall receive the sum of three thousand dollars (\$3,000) per annum; the state architect shall receive forty-eight hundred dollars (\$4,800) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2,400) per annum; the secretary shall receive twenty-four hundred dollars (\$2,400) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The highway engineer shall furnish the state with a bond in the sum of twenty thousand dollars (\$20,000); the two assistant engineers and the state architect shall each furnish the state with a bond in the sum of ten thousand dollars (\$10,000); and the secretary shall furnish the state with a bond in the sum of

Salaries

Bond

fifteen thousand dollars (\$15,000), for the faithful performance of their duties. Said bonds must be approved by the governor of the State of California and filed in the office of the secretary of state. Each of the three appointed members of the advisory board shall receive the sum of three thousand six hundred dollars (\$3,600) per annum. Each and every one of the above mentioned officers shall take the oath of office as prescribed for other state officers. The members of the advisory board, the state engineer and other officers and employees of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharges of their duties within the state.

### CHAPTER 395.

*An act providing for the sale of certain state lands suitable for cultivation.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

School lands  
suitable for  
cultivation  
to be sold

SECTION 1 The unsold portions of the sixteenth and thirty-sixth sections of school lands not included within the exterior boundaries of national reservations, the unsold portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant, which are suitable for cultivation shall be sold to actual settlers in quantities not exceeding three hundred and twenty acres to any one person under the provisions of section three thousand four hundred ninety-five of the Political Code, at a price to be fixed by the state board of control and the state surveyor general, payment to be made as follows: The full purchase price of the land, or ten per cent thereof and interest to the first day of January following, at the rate of six per cent per annum on the unpaid balance of the purchase price, the unpaid balance of the purchase price shall bear interest at the rate of six per cent per annum, payable in advance on the first day of each year, at which time the purchaser may pay as many one-tenths of the purchase price as he may desire; *provided*, that the legislature may require the payment of the unpaid balance of the purchase price within five years after the passage of an act requiring such payment: *provided, however*, where any person by himself, or his predecessors in interest, for a period of twenty years, or more, prior to the passage of this act, has been in the continuous possession of any portion of the five hundred thousand acres of land suitable for cultivation granted to the state by an act of congress for school purposes, and for which no patent has issued, which possession was under claim of title founded upon a written instrument, and where such lands have been assessed for state or county

Price

purposes, and all taxes so assessed for such period have been paid, he shall, upon application to the surveyor general, be entitled to a patent for such lands so occupied by him, upon the payment to the surveyor general of the sum of two dollars per acre therefor, and upon such payment being made, it shall be the duty of the surveyor general to cause to be issued to him a patent from the State of California for such lands. A certificate of the tax collector of the county in which such lands are situated, showing that such lands have been so assessed for such period, and that such taxes have been paid, and an abstract of title (which abstract need only show the instruments constituting the chain of title) certified to by a responsible abstract company showing that the applicant claims such land under a written instrument purporting to convey such land to said claimant or to those under whom he claims, executed twenty years, or more, prior to the passage of this act, together with a certificate signed by a superior judge of the county in which such land is situated, certifying to the fact that the applicant is the same person shown by said abstract to be the claimant of said land under such instruments in writing, and also that he is in the actual occupancy of said land at the time, shall be sufficient evidence of all the facts required to be found prior to the issuance of the aforesaid patent.

CHAPTER 396.

*An act to take title to and thereafter maintain as a state highway, the toll road in Tuolumne and Mariposa counties, known as the Big Oak Flat and Yosemite road, also a section of Tuolumne county road to connect said toll road with the Sonora lateral of the state highway.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

SECTION 1. That all that certain toll road in Tuolumne and Mariposa counties known as the Big Oak Flat and Yosemite road beginning at a point near the former location of Jack Bell sawmill in Tuolumne county and extending thence in an easterly direction through a portion of Mariposa county at Hamilton station, thence again into Tuolumne county, past the Heardin ranch, Crocker station, Crane Flat and Gin Flat to the boundary line of the original Yosemite Grant near Cascade creek, about thirty-two miles in length, is hereby declared a state highway, and shall hereafter be maintained by the state under the supervision of the department of engineering.

Big Oak Flat and Yosemite road declared state highway

SEC. 2. This act shall not take effect until the county of Tuolumne shall have deposited with the state department of engineering a good and sufficient conveyance, conveying

Conveyance of title

thereby title to said road without cost or charge to the State of California; and when said conveyance shall have been so delivered, the state engineer shall then take charge of said road and maintain the same out of the moneys provided by law for the maintenance of state highways.

Connecting  
road taken  
over.

SEC. 3. Also, the state engineer is hereby authorized to take over from the county of Tuolumne the section of road, approximately twenty-seven miles in length, connecting the western terminus of the Big Oak Flat and Yosemite toll road to the Sonora lateral of the state highway—provided no money consideration shall be given for roadbed or rights of way—and declare the same a state highway and maintain it with the funds available for maintaining state highways. Said connecting section of road beginning at the western terminus of said toll road shall run westerly via the main traveled route through Smith's ranch, Groveland, Big Oak Flat and over the new Priest hill highway to Jacksonville. From this point the state engineer shall select from the routes available, the road he deems the most practicable, direct and easily maintained to make connection with the state highway lateral.

#### CHAPTER 397.

*An act to amend an act entitled "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, and to exempt certain counties from provisions thereof.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. An act entitled "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, is hereby amended to read as follows:

Estray  
animals.

Sec 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, or upon highways adjacent thereto, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as hereinafter provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided; *provided, however,* in the counties of Trinity, Shasta, Del Norte, Siskiyou, Lassen and Modoc, any person finding at any time any

estrays domestic animal or animals upon his premises, or upon premises to which he has the right of possession, shall not have the right to take up said domestic animal or animals, nor shall he have a lien thereon for all or any of the expenses incurred and costs in keeping and caring for said animal or animals, unless said premises are entirely enclosed with a good and substantial fence.

Sec. 2. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five (5) days file with the county recorder or county poundkeeper of the county in which such estray is found, a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The county recorder or county poundkeeper shall receive for filing said notice the sum of fifty cents. If the value of said animal or animals together exceed ten dollars, said notice must also be published in a paper of general circulation within the county at least once a week for three successive weeks, stating the time on which the animal or animals will be delivered to the constable, as provided in section 5 of this act, or if the finder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is taken up, he shall notify the owner of said animal, or the person having charge thereof, which notice shall contain the same information as the notice to be recorded, and hereinbefore provided, describing said animal so taken up, the date when it was taken up, the place where found, and the place where kept, and no charge shall be made for preparing and serving this notice. This notice shall be in lieu of recording a notice for which notice he shall be entitled to the sum of fifty cents.

Notice filed with recorder

Publication of notice

Sec 3. At any time within thirty days from the date of the filing of the notice specified in section 2 of this act, any person claiming such estray animal or animals shall appear and demand from the taker-up the possession thereof, and shall, at the same time, pay the taker-up all damages, expenses and costs incurred by reason of taking up such animal or animals, and upon receiving such damages, expenses and costs, the taker-up shall immediately deliver to the party claiming such animal or animals the possession thereof. Such damages, expenses and costs shall be estimated as follows, to wit:

Person claiming animal to pay

Damages

1. The total amount paid by the taker-up to the county recorder, or county poundkeeper. A reasonable cost for publishing said notice, and a reasonable attorney's fee for preparing the said notice not to exceed two dollars and fifty cents.

2. The sum of not to exceed fifty cents per day for the keeping and care of each horse, mule, jenny, ass, cow, bull, ox, steer, or calf;

3. The sum of not to exceed fifteen cents per day for the keeping and care of each sheep, goat, hog, or other animal not

hereinbefore specified; *provided*, that the taker-up of said animal or animals must properly feed and water the same while under his care; and if he fail so to do, shall forfeit all right of lien thereon.

Action over  
damages.

See 4. If the party claiming such stray animal or animals is dissatisfied with the amount charged by the taker-up for costs and expenses, he shall tender to the taker-up the proper amount therefor, and if the said tender be refused, the party claiming such stray animal or animals shall within ten days thereafter commence, in the proper court, suit against the taker-up for the recovery of the possession of such stray animal or animals, in which said action the taker-up may set forth his expenses and costs, and said matter together with accruing expenses and costs to the time of the entry of the judgment, shall be determined by the court in accordance with the provisions of this act, and the amount of all such expenses and costs, and the costs of said action shall be included in any judgment awarded by said court, and such costs in said action shall be in favor of the plaintiff in said action and against said defendant, if the court shall find that the amount tendered by the plaintiff to the defendant was not less than the proper amount; otherwise said costs shall be in favor of the defendant and against the plaintiff. Without the consent of defendant in any such action, no return of such animal or animals shall be adjudged until the plaintiff shall pay to the defendant or deposit in court payable to him, the amount of all such expenses and costs in said action; and in case such payment or deposit be not made within ten days after the same shall have been determined by the court, or said action be not prosecuted with diligence, then the said action may be dismissed on motion of defendant without notice; in case of such dismissal the defendant shall have judgment for his costs. In any such action for plaintiff to recover, it shall be incumbent on him to establish an existing right in himself to the possession of such animal or animals.

Sale of  
animals not  
claimed

See 5. If no person appears and claims the animal or animals taken up within thirty days after the filing of the notice hereinbefore mentioned in section 3 of this act; or if a person does appear and claims the animal or animals taken up within thirty days after the filing of the notice above referred to, but shall fail to pay to the taker-up the expenses and costs as provided in section 3 of this act, and shall fail to commence and prosecute with diligence an action for the recovery of the possession of such stray animal or animals within the time required by section 4 of this act; or if said action shall be dismissed; then the taker-up shall, in writing, notify a constable or other officer of the township or county in which said animal or animals are held, which notice shall specify that he has complied with all the provisions of this act, and that a claimant of said animal or animals has failed to appear and claim the same as herein provided, or if he has appeared that he has

failed to pay the expenses and costs and has failed to commence or prosecute with diligence an action for the recovery of the possession of such animal or animals within the time and in the manner provided for in this act, or that said action has been dismissed, and that such animal or animals are held by him subject to sale. Said constable, or officer, shall immediately proceed to sell such animal or animals at public sale, in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution.

Sec. 6. Out of the money realized from the sale of estrays, the constable or other officer shall first retain his fees; he shall then pay to the taker-up his expenses and costs estimated as provided in section 3 of this act, or so much thereof as the funds in his hands will permit, and the surplus, if any, he shall pay to the county treasurer to be held by him for the owner of the stray or estrays for which it was received in payment. If any person or persons shall, within one year thereafter, prove to the satisfaction of the board of supervisors of the county in which the stray or estrays were sold, that he or they are entitled to the sum so held by the county treasurer, or any part thereof, the said board of supervisors shall order such sum to be paid over to the person or persons; and if not so proven within one year, then the same shall become a part of the common school fund of said county.

Disposition  
of money  
realized

Sec. 7. All sales made by any constable, or other officer, under the provisions of this act, shall convey a good and valid title to the purchaser, and the owner of the stray or estrays so sold shall thereafter be barred from all right to recover the same, except as provided in section 6.

Title to  
animals  
sold

Sec. 8. The taker-up of an stray animal or animals shall use reasonable care to preserve the same from injury, but if an stray animal or animals die or escape from the possession of the taker-up at any time while he is holding the same under the provisions of this act, the taker-up shall not be held liable in any manner on account of such animal or animals.

Liability of  
taker-up

Sec. 9. Nothing in this act shall affect the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force.

Cities not  
affected

Sec. 10. Nothing herein contained shall be held, deemed or construed to repeal an act, entitled "An act concerning lawful fences, and animals trespassing upon premises lawfully enclosed," passed March 30, 1850, nor to repeal an act, entitled "An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859, in so far as the provisions of said acts, and each thereof, apply to or affect the counties of Trinity, Shasta, Del Norte, Siskiyou, Modoc and Lassen, but as to said counties, and each thereof, said acts are hereby expressly continued in force, it being hereby determined that the present conditions pre-

Act not  
repealed

vailing in said counties last named are such as to justify and demand the continued application of said statutes to said counties.

### CHAPTER 398.

*An act to provide for the abandonment of portions of routes of state roads and highways by the advisory board of state department of engineering, and for consent thereto in certain cases by county boards of supervisors.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

Abandon-  
ment of  
state roads.

SECTION 1 The advisory board of the state department of engineering shall have the power to abandon portions of routes of state roads and highways under its jurisdiction, when, in its opinion, such abandonment shall be necessary by reason of alterations or revisions in alignment of portions of routes of state roads and highways by said advisory board and shall be for the best interests of the state. It may abandon any lands or parts thereof or rights in lands which have been taken or acquired by the state for such state road or highway purposes and forming part of portions of routes of state roads and highways as aforesaid by resolution adopted by the advisory board of such department of engineering, and a copy of such resolution may be recorded in the county where such land or part of land to be abandoned is located, without acknowledgment, certificate of acknowledgment, or further proof, and no fee shall be charged for such recording by the county recorder of such county; *provided, however*, that nothing contained in this act shall authorize and empower said state department of engineering to abandon any portion or portions of any state road or highway where such abandonment will operate to vest or revert the control and maintenance of such portion or portions of state road or highway or state bridge in the board or boards of supervisors of any county or counties wherein such portion or portions proposed to be abandoned are located, without the consent, by formal resolution, of such board or boards of supervisors affected by such abandonment having been first obtained.

CHAPTER 399.

*An act to amend the Penal Code by adding a new section thereto to be numbered section five hundred eighty-eight b, concerning the breaking down, removal, injury or destruction of barriers or obstructions, the tearing down, removal or destruction of notices, or the extinguishment, removal, injury or destruction of warning lights or lanterns on a state road or highway, and prescribing a penalty for the violation of such section.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section five hundred eighty-eight b, to read as follows:

588b. If it shall appear necessary to the state department of engineering, its officers or appropriate employees, to close any road or highway coming under its jurisdiction so as to permit of proper completion of work which is being performed, such department, its officers or appropriate employees, may close, or cause to be closed, the whole or any portion of such road or highway deemed necessary to be excluded from public travel. Engineering department may close roads.

While any such road or highway, or portion thereof, is so closed, or while any such road or highway, or portion thereof, is in process of construction or maintenance, such department, its officers or appropriate employees, or its contractor under authority from such department or the appropriate officers or employees of such department, may erect or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion thereof, is closed or directing the traffic, and may place, or cause to be placed, warning lights and lanterns on such road or highway, or portion thereof. May erect barriers

When such road or highway is closed to the public or in process of construction or maintenance, as provided herein, any person who wilfully breaks down, removes, injures or destroys any such barriers or obstructions, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning lights or lanterns, so erected, posted or placed by such department of engineering, its officers, appropriate employees, or its authorized contractor, shall be guilty of a misdemeanor. Penalty for breaking down barriers.

## CHAPTER 400.

*An act to provide for the care, management and protection of state highways and providing penalties for violations of the provisions of the act.*

[Approved May 20, 1915 In effect August 8, 1915]

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

Removal of  
fences  
encroaching  
on highways.

SECTION 1. If any state road or highway is encroached upon by fences, structures or otherwise the state department of engineering, its appropriate officers or employees may require the removal of the encroachment. Notice must be given to the occupant or the owner of the land or the person causing or owning the encroachment, if such owner, occupant or person, or, in the case of a non-resident, his agent, be known, by personal delivery to him, by leaving at his place of residence or by registered mail; if such owner, occupant, person or agent be unknown such notice must be posted upon the encroachment. Such notice must describe the encroachment to be removed.

Penalty  
for not  
removing  
encroach-  
ment.

SEC. 2. If the encroachment is not removed, or commenced to be removed and diligently prosecuted prior to the expiration of five days from the service, mailing or posting of the notice, the one who caused, owns or controls the encroachment shall forfeit ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for ordinary travel, or consists of refuse, or is an advertising sign of any description (except as in section 6 of this act provided) the department of engineering, its officers, or employees may forthwith remove, or cause to be removed, such encroachment.

Action to  
abate.

SEC. 3. If the encroachment is disputed and denied and the owner, occupant or person controlling the matter or thing charged as being an encroachment refuses to remove or permit the removal thereof, the department of engineering, in the name of the people of the State of California, must commence in the proper court an action to abate the same as a nuisance. If such department recovers judgment it may, in addition to having the nuisance abated, recover ten dollars for every day such nuisance remains after such notice and also its costs in its said action.

Department  
may remove

SEC. 4. If the encroachment is not denied but is not removed for five days after the notice given, as provided in section 1 of this act, the department of engineering, its officers or employees may remove the same at the expense of the owner, occupant or person controlling the same, and such department, in the name of the people of the State of California, may recover its costs and expenses therefor, and also ten dollars for each day the same remains after said five days' notice in an action for that purpose.

SEC. 5. Whoever obstructs or injures any state road or highway or diverts any water course thereon, or drains water from his land on any such highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains and must be punished as provided in section 588 of the Penal Code. Any person, persons or corporations, who shall, by storing or distributing water for any purpose, permit the water to overflow, or saturate by seepage, any state road or highway, to the injury thereof, shall, upon notification of the department of engineering, its officers or employees, discontinue and repair the damage occasioned by such overflow or seepage; and should such repair not forthwith be made by such person, persons or corporations, said department of engineering, its officers or employees shall make such repairs and, if necessary, divert the flow or seepage, and such department, in the name of the people of the State of California, may recover the expense thereof from such person, persons or corporations in an action by law. All persons excavating irrigation, mining or draining ditches across any state road or highway shall be required to bridge such ditches under the direction of the department of engineering, its officers or employees, and upon neglect to do so, such department shall construct the same and recover, in the name of the people of the State of California, the cost of constructing said bridge or bridges of such person by action; and whoever wilfully injures any bridge on a state road or highway is hereby declared to be guilty of a misdemeanor and is also liable for actual damages for such injury, to be recovered by such department of engineering in the name of the people of the State of California in a civil action; *provided, further,* that every person who knowingly allows the carcass of any dead animal, which animal belongs to him at the time of its death, to be put or to remain within one hundred feet of any state road or highway, and every person who puts the carcass of any dead animal on or within one hundred feet of any state road or highway shall be guilty of a misdemeanor.

Penalty for injury to highway

Bridges over irrigation ditches

Dead animals on highway.

SEC. 6. No sign, picture, transparency, advertisement or mechanical advertising device shall be placed upon or over any state road or highway without a permit from the department of engineering or its appropriate officers, and, if so placed, shall be a public nuisance and may be forthwith removed from any such road or highway by the department of engineering, its officers or employees, and any person who shall so place the same shall be guilty of a misdemeanor, *provided, further,* that nothing herein shall be so construed as to prevent the posting of any notice provided by law or order of any court to be posted.

Advertisements on highways

SEC. 7. Any person who digs up, cuts down, injures or destroys any trees on any state road or highway, unless the same is deemed an obstruction by the department of engineering, its officers or employees and removed under their direction, unless such person has received a permit therefor from

Penalty for cutting down trees.

such department or its appropriate officers, or is otherwise lawfully entitled to dig up, cut down, injure or destroy such trees, shall be guilty of a misdemeanor.

Disposition  
of fines

SEC. 8 All penalties or forfeitures and other recoveries provided by this act and not otherwise provided for may be recovered by the department of engineering by suit in the name of the people of the State of California and paid into the state treasury.

Repealed

SEC. 9. An act entitled "An act to provide for the care, management, and protection of state highways," approved March 24, 1903, is hereby repealed.

SEC. 10 All acts, or parts of acts in conflict with the provisions of this act, are hereby repealed

#### CHAPTER 401.

*An act to amend section five hundred thirty-five of the Political Code.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section five hundred and thirty-five of the Political Code is amended to read as follows:

State printer  
may  
purchase  
machinery.

535. The superintendent of state printing, upon the approval of the state board of control, may purchase any machinery or equipment needed in the state printing plant and the same may be paid for out of the state printing fund.

#### CHAPTER 402.

*An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the tenth class.*

[Approved May 20, 1915. In effect—see section 2.]

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

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

Counties of  
10th class,  
salaries of  
officers

4239. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County  
clerk

1. The county clerk, two thousand dollars per annum, and such fees as are provided by law; *provided*, that he shall appoint one deputy at a salary of fifteen hundred dollars per

annum, two court room deputies at a salary of twelve hundred dollars per annum each, two office deputies at twelve hundred dollars per annum each, and one copyist at a salary of nine hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors, to be paid at not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and one of which deputies shall be employed only between the first day of January and the fifteenth day of November of such year, and the other two of which deputies may be employed from the first day of April to and including the fifteenth day of November of said year; *provided, however*, that in a year when the presidential primary is held, all of said deputies shall be employed from the first day of January to the fifteenth day of November, in said year. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

2. The sheriff, two thousand dollars per annum; *provided*, Sheriff he shall appoint one undersheriff at a salary of fifteen hundred dollars per annum and four deputy sheriffs at a salary of twelve hundred dollars per annum each; and a person to act as matron of the county jail at a salary of seventy-five dollars per month. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section 4300b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand dollars per annum; *provided*, Recorder that the recorder shall appoint one deputy at a salary of twelve hundred dollars per annum, and four copyists at a salary of nine hundred dollars each per annum to be paid at the same time and in the same manner as county officers are paid.

4. The auditor, two thousand four hundred dollars per annum; *provided*, Auditor that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand four hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of nine hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Treasurer

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of nine hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid

TAX  
collector

6. The tax collector, three thousand dollars per annum, and such fees as are now or may hereafter be allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named; *and provided, further*, said tax collector shall appoint one revenue and taxation deputy to be paid for only between August 1st and January 1st each year (five months), at a salary of one hundred dollars per month; *and provided, further*, that he shall appoint one stenographer, to be paid for only between August 1st and February 1st each year, at a salary of seventy-five dollars per month, and both last named shall be paid at the same time and in the same manner as county officers are paid.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one revenue and taxation deputy at a salary of fifteen hundred dollars per annum and one chief deputy at a salary of twelve hundred dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any one fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected by him and the amount allowed by law for making out the military roll.

District  
attorney.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of eighteen hundred dollars per annum, and one deputy district attorney at a salary of twelve hundred dollars per annum, and one stenographer at a salary of nine hundred dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid.

Coroner

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

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

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint an assistant superintendent at a salary of fifteen hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Superin-  
tendent of  
schools

12. The surveyor, eighteen hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block-books for the use of the county assessor; *pro-  
vided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block-books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. And it shall be the duty of the county surveyor to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Surveyor.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. Justices of  
the peace.

In townships having a population of thirteen thousand or more, one hundred and fifty dollars per month;

In townships having a population of over eight thousand and less than thirteen thousand, ninety dollars per month;

In townships having a population of four thousand and less than eight thousand, sixty dollars per month;

In townships having a population of twenty-five hundred and less than four thousand, thirty-five dollars per month;

In townships having a population of fifteen hundred and less than four thousand, thirty-five dollars per month;

In townships having a population of one thousand and less than fifteen hundred, thirty dollars per month;

In townships having a population of nine hundred and less than fifteen hundred, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in Fees.

civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1910.

Constables

14. In townships having a population of thirteen thousand or more, constables shall receive as compensation, in lieu of all fees in criminal cases, the sum of one hundred dollars per month; in townships having a population of eight thousand and less than thirteen thousand, the sum of sixty dollars a month; in townships having a population of four thousand and less than eight thousand, the sum of forty dollars a month; in townships having a population of fifteen hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than fifteen hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided for herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained from the United States census reports of 1910.

Supervisors

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed ten hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

Monthly  
payments

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month.

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going, only, per mile, fifteen cents.

Jurors

SEC. 2. This act shall go into effect ninety days after the final adjournment of the session of the legislature at which it is passed, except that the provision raising the salary of the district attorney shall not go into effect during present term of the incumbent: *provided further, however*, that the adoption recently of a constitutional amendment prohibiting the collection of poll taxes has deprived the assessor of funds necessary to secure deputies with which to carry on the work of his office, and that such work must be done before ninety days from the final adjournment of this session of the legislature. It is therefore declared that the provisions of the above act providing for the appointment of deputies whose total compensation in one year shall not exceed four thousand dollars is an urgent measure and necessary to provide the usual expenses of the county government and necessary for the immediate preservation of public safety and interest, and this act so far as it relates to the above mentioned deputies shall go into effect immediately upon its passage.

In effect when

CHAPTER 403.

*An act to amend section six hundred thirty-one of the Code of Civil Procedure providing when and how trial by jury may be waived.*

[ Approved May 20, 1915 In effect August 8, 1915 ]

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

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

631 Trial by jury may be waived by the several parties to an issue of fact in actions arising on contract, or for the recovery of specific real or personal property, with or without damages, and with the assent of the court in other actions, in manner following:

When trial by jury may be waived

1. By failing to appear at the trial.
2. By written consent filed with the clerk.
3. By oral consent, in open court, entered in the minutes

Procedure

4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation or within five days after notice of setting if it be set without notice or stipulation.

5. By failing, at the beginning of each day's session, to deposit with the clerk the jury fees and, if there be any, the mileage for such day.

#### CHAPTER 404.

*An act authorizing the acquisition, construction, improvement, maintenance and control of the uncompleted portions of the system of state highways prescribed and contemplated by an act entitled "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, and approved, ratified and adopted by the people of the State of California at the general election held in the month of November, A. D. 1910, and known and cited as the "state highways act," and certain extensions therefrom; 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, improvement and acquisition of the uncompleted portions of said system and certain extensions therefrom; creating a revolving fund to be used by the state department of engineering for the purposes of this act; 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 May 20, 1915. In effect—see section 9.]

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

SECTION 1. The fund created for the construction and acquisition of a system of state highways by an act entitled "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, and approved, ratified and adopted by the

Fund for  
completing  
state  
highways  
insufficient

people of the State of California at the general election held in the month of November, A. D. 1910, and known and cited as the "state highways act" being inadequate to fully carry out the objects of said act, the uncompleted portions of said system prescribed by said "state highways act" and certain extensions therefrom hereinafter specified shall be constructed, improved and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed fifteen million dollars. For the purpose of providing for the payment of the cost of the construction, improvement or acquisition necessary for and in completing said system of said highways and supplementing the fund created by said "state highways act," the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of fifteen million dollars.

Indebtedness  
authorized

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 fifteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 15,000 inclusive, and to bear the date of the third day of July, 1917. The total issue of said bonds shall not exceed the sum of fifteen million dollars and they shall bear interest at the rate of four and one-half 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 either at the office of the treasurer of said state or, at the option of the holder, at the fiscal agency for the State of California in the city of New York in the state of New York, at the times and in the manner following, to wit: The first three hundred seventy-five of said bonds shall be due and payable on the third day of July, 1923, and three hundred seventy-five 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, 1962. The interest accruing on all of said bonds that shall be sold shall be payable either at the office of the treasurer of the state or at said fiscal agency, as the holder may elect, 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, 1917, and each of said bonds shall have the great seal of the State of California

Preparation  
of bonds

Payment

Interest

Unsold  
bonds

Signing and  
endorsement

Valid  
obligation.

impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Interest  
coupons

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July 1917. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the date of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Payment of  
expenses  
incurred in  
preparation  
of bonds

SEC. 3. The legislature shall provide by appropriation 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

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 three hundred seventy-five 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

No bid  
accepted less  
than par  
value plus  
interest

Announce-  
ment of sale

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.

There is hereby created in and for the state treasury a fund to be known and designated as the "second 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 second 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 "second state highway interest and sinking fund," which is hereby created.

"Second state highway fund" created

Of the moneys placed in the said second state highway fund, pursuant to the provisions of this section, the sum of twelve million dollars, or so much thereof as may be necessary, is hereby made available, and shall be used exclusively for the acquisition of rights of way for and the acquisition, construction and improvement of the uncompleted portions of the system of state highways prescribed by said "state highways act." And of said moneys so placed in said second state highway fund, the sum of three million dollars, or so much thereof as may be necessary, is hereby made available and shall be used exclusively for the acquisition of rights of way for, and the acquisition, construction and improvement of certain extensions from said system of state highways prescribed by said "state highways act" as follows: An extension connecting the interior and coast trunk lines in northern California through Trinity and Humboldt counties by the most direct and practical route; an extension connecting the San Joaquin valley trunk line at a point between the city of Merced in Merced county, and the city of Madera, in Madera county, with the coast trunk line at or near the city of Gilroy in Santa Clara county, through Pacheco pass, by the most direct and practical route; an extension of the Mariposa county state highway lateral to or near the railway station El Portal, in Mariposa county; an extension connecting the San Joaquin valley trunk line in Tulare county with the coast trunk line in Monterey county, by the continuation of the lateral between the cities of Visalia and Hanford through Coalinga by the most direct and practical route, an extension connecting the San Joaquin valley trunk line at or near Bakersfield with the coast trunk line in San Luis Obispo county, through Cholame pass, by the most direct and practical route; an extension of the San Bernardino county state highway lateral to Barstow, in San Bernardino county, by the most direct and practical route; an extension connecting Antelope valley, in the county

Fund available for what purposes

of Los Angeles, with the city of Los Angeles, by the most direct and practical route; and an extension of the San Bernardino county state highway lateral to the Arizona state line near the town of Yuma, Arizona, via the cities of Brawley and El Centro in Imperial county, by the most direct and practical route; *provided, however*, that expenses of the acquisition, construction and improvement of the extensions above enumerated and the acquisition of rights of way therefor, shall be partly borne by the county or counties in which such extensions lie, the extent and character of such division of expenses between the state and county shall rest for final determination with the state department of engineering and said department is hereby authorized to enter into such agreements and undertakings as are necessary to properly carry out the intent of this section.

Routes  
selected by  
department  
of engin-  
eering

The route or routes of said state highways to be acquired, constructed or improved under the provisions of this act shall be selected by the department of engineering in the manner provided by and to carry out the objects of said "state highways act" and in the manner provided by and to carry out the objects of this act.

Controller's  
warrants

Moneys shall be drawn from said second 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 allowed and audited by the state board of control; *provided, however*, that out of the proceeds of the first sale of bonds made hereunder the state controller and the state treasurer shall transfer upon their respective books the sum of one hundred thousand dollars to the credit of the "state highway revolving fund," which fund is hereby created in the state treasury. The moneys in said state highway revolving fund, or such part thereof as the advisory board of the department of engineering shall deem necessary, may be expended, from time to time, upon the demands of the department of engineering, approved by the state board of control, for the purpose of making cash payments in advance for such expenditures as are necessary and proper to carry out the provisions of this act. Upon receipt of such demands, so approved, it shall be the duty of the state controller to draw his warrant upon said "state highway revolving fund" in favor of the person or persons therein named, and the state treasurer shall pay the same. On or before the tenth day of each month thereafter, the department of engineering shall submit to the state board of control a verified, itemized statement, showing all expenditures during the preceding calendar month of the moneys so withdrawn from said "state highway revolving fund," accompanied by proper vouchers and receipts therefor. Such statements shall be audited by the state board of control in the same manner that claims against the state are audited, and, if found to be correct, shall be approved by the state board of control and transmitted to the state controller with such approval endorsed thereon. The

"State  
highway  
revolving  
fund"

Statement  
showing  
expenditures.

state controller shall thereupon draw his warrant upon the "second state highway fund" in favor of the department of engineering for the aggregate amount of such expenditures, and upon the surrender of such warrant properly endorsed, the state treasurer shall transfer the amount thereof upon the books of his office from the said "second state highway fund" to the said "state highway revolving fund," to be expended as aforesaid

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

Appropriation for bonds, principal and interest

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.

Collection

The treasurer of the state shall, on the first day of January, 1918, 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 "second state highway 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.

Transfer by treasurer.

There is hereby created in the state treasury a fund to be known and designated as the "second state highway sinking fund." The treasurer of the state shall on the first day of July of the year 1923, and on the first day of July, of each, any 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 second 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.

"Second state highway sinking fund" created

SEC. 6. The principal of all of said bonds sold shall be paid at the time the same becomes due, from the second state highway sinking fund, and the interest on all bonds sold shall be paid at the time said interest becomes due, from the second state highway 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 control, 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

Principal and interest paid from sinking fund

Records

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.

Annual report.

Books open to inspection

Highway permanent in character

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, or receive by donation or dedication from counties, or from public or private persons, or it may lease, any right of way, rock quarry or land necessary or proper for the construction, use, improvement 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 in accordance with law shall have power and authority to purchase, sell, exchange, lease or otherwise acquire or dispose of all supplies, stock, material, machinery and implements and do all other things necessary or proper in the construction, improvement or maintenance of said state highway. The department of engineering in accordance with law shall have power and authority to purchase, lease, or erect plants for manufacture of cement, crushed rock and other materials used in road or highway work, and also the power to dispose of said plants when no longer required for such purposes. With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within nine years prior to the adoption of this act, all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; *provided*, nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the interest, at the rate of four and one-half per cent per annum, upon the

Department of engineering may acquire rights of way, quarries, etc.

Certain highways become right of way of state highway.

Counties to pay interest

entire sum of money expended from the proceeds of the bonds issued under this act 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; *provided, however*, that in all cases where, by reason of physical difficulties to be overcome, or other good and sufficient cause, the state department of engineering shall determine that the cost of construction of any portion of such state highway in any county, or counties, is so great as to entail an unjust and inequitable burden upon any such county, or counties, in refunding to the state the sums so paid for interest upon the bonds sold and the proceeds thereof applied as aforesaid, such county, or counties, shall not be required to refund the whole amount of such interest, but only such proportion thereof as the state department of engineering shall adjudge to be fair and reasonable. 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, 1916, 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 ninety days after the final adjournment of the present session of the legislature. In effect when

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, nineteen hundred and sixteen, and all ballots at such election shall have printed thereon the words "for the state highway act of 1915" and such other designation as may be necessary to properly identify this act. In a square immediately below the square containing said words there shall be printed on said ballot the words "against the state highway act of 1915." Opposite the words "for the state highway act of 1915" and "against the state highway act of 1915," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against this act, and those voting for said act shall do so by placing a cross opposite the words "for the state highway act of 1915" and those voting against said act shall do so by placing a cross opposite the words "against the state highway act of 1915." 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. 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. Results of 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.

Publication  
of act before  
election.

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 sixteen; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Title of act.

SEC. 13. This act shall be known as cited as the "state highways act of 1915."

Repealed.

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

## CHAPTER 405.

*An act to amend section three thousand seven hundred seventy-three of the Political Code, relating to revenue and taxation.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

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

Land sold for  
nonpayment  
of taxes.

Buildings,  
etc., may  
not be  
removed

3773. When lands have been sold, or shall hereafter be sold, to the State of California by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture or other improvement on such lands, or cut or remove any timber, or do or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the improvements thereon; *provided*, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the state. Violation of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

State  
entitled to  
rents, etc.

From and after the date of recording of the deed to the state as provided in section three thousand seven hundred eighty-five of this code, the state shall be entitled to receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The controller of state may demand from the former owner of said property, or any person having any interest therein, or any person in the pos-

session, actual or constructive, of said property, or of any part thereof, an accounting for said rents, issues and profits, and may at any time after recording of the deed to the state as aforesaid demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the controller, authority for such designation being hereby granted. For the enforcement of the provisions of this paragraph of this section the controller is authorized to commence and maintain an action or actions in behalf of the state. The superior court of the county of Sacramento shall have jurisdiction in the matter of such actions. All moneys recovered under the provisions of this section shall be paid into the state treasury to the credit of the general fund and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the state.

Controller may bring action.

Moneys to credit of general fund

CHAPTER 406.

*An act to amend section three of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the state, and making an appropriation therefor," approved April 21, 1911, by providing penalties for violations of said act, and prescribing certain duties of the attorney general with reference thereto.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section three of an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the state, and making an appropriation therefor," approved April 21, 1911, is hereby amended to read as follows:

See 3. Any officer of a county or of a municipality who wilfully and knowingly renders a false report shall be guilty of a misdemeanor. Any officer of a county or of a municipality when designated by the controller to make the report required by this act, who fails, neglects or refuses to make and file such report within twenty days after receipt of such designation and request, shall forfeit to the state one thousand dollars to be recovered in an action at law, which, upon the request of the controller, it shall be the duty of the attorney general to prosecute in the name of the people of the State of California.

False financial reports misdemeanor

Penalty for failure to file report

## CHAPTER 407.

*An act to amend section two hundred eighty b of the Code of Civil Procedure, relating to licenses to practice law.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two hundred eighty b of the Code of Civil Procedure is hereby amended to read as follows:

Graduates of  
law schools  
admitted to  
practice

280b. Any person producing a diploma of graduation from the college of law of the University of Southern California, the Young Men's Christian Association Law College of San Francisco, or the San Francisco Law School, or evidence of having satisfactorily completed the three years' course of study prescribed by the Department of law of Leland Stanford Junior University, or the department of jurisprudence of the University of California or the institute of law of the University of Santa Clara, or the college of law of Saint Ignatius University shall be entitled to a license to practice law in all the courts of this state, subject to the right of the chief justice of the supreme court of the state to order an examination, as in ordinary cases of applicants without such diploma or other evidence.

## CHAPTER 408.

*An act to amend section three thousand eight hundred sixty-six of the Political Code, relating to settlements of county treasurers with the state.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

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

Semi-yearly  
settlement  
of county  
treasurers  
with state  
treasurer.

3866. The treasurers of all of the counties, and cities and counties, of this state, must, between the fifteenth and thirtieth days of December and May of each year, proceed to the state capitol and settle in full with the controller of state, and pay over in cash to the treasurer of state all funds belonging to the state which have come into their hands as county treasurers before the close of business on and including the first Monday of said months, except principal and interest received on account of state school lands which shall be settled for up to and including the last day of the month prior to the month of settlement. If, in the opinion of the controller of state, it appears from the report of the county auditor that sufficient taxes or other revenues have not been collected to make it for the interest of the state that a settlement should be made, the controller shall defer the settlement until the next regular

Deferred  
settlements

settlement. No mileage, fees, or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred, the county auditor, in his next report to the controller of state, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

CHAPTER 409.

*An act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-eight a, one thousand nine hundred and twenty-eight b, one thousand nine hundred and twenty-eight d, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-four, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-seven, one thousand nine hundred and sixty-three, one thousand nine hundred and eighty-five, two thousand and six, two thousand and eighty-one, one thousand nine hundred and eight, two thousand and seventy-nine, two thousand and eighty-six, two thousand one hundred and seven, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-seven, one thousand nine hundred and eighty-one, one thousand nine hundred and eighty-four, two thousand and eighty, two thousand one hundred and eleven, two thousand one hundred and twelve of the Political Code of the State of California, and to add one new section to said code to be known as section one thousand nine hundred and sixty-three a, all relating to the organization, equipment, maintenance and government of the national guard of the State of California.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one thousand nine hundred twenty-five of the Political Code of the State of California is hereby amended to read as follows:

1925 The national guard of California shall consist of the following staff departments: An adjutant general's department, an inspector general's department, a judge advocate general's department, a quartermaster corps, a medical department, a corps of engineers (when authorized), an ordnance department, a signal corps (when authorized), and shall also consist of the commissioned officers heretofore or hereafter retired, the organizations now forming the national staff departments of national guard

Duty of  
commander-  
in-chief  
concerning  
organization

guard at this date and such others as may be organized hereafter and such persons as are or may be enlisted or commissioned therein and the officers and enlisted men of the naval militia. The commander-in-chief shall have power to alter, divide, consolidate, disband, or reorganize any organization, corps, or department and create organizations, corps or departments whenever required by the provisions of this act, or whenever in his judgment the efficiency of the state forces shall be thereby increased; and he shall have the power and it shall be his duty to change the organization of the state forces so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws and regulations of the United States for the organization and government of the militia, and for that purpose the number of officers and noncommissioned officers of any grade may be increased or diminished or the grades may be altered or created whenever necessary to procure such uniformity; *provided*, that in time of peace the total number of companies, troops, batteries, divisions and marine companies of the naval militia, shall not exceed one hundred; *and provided, further*, that there shall be not more than fourteen divisions and marine companies of the naval militia, sixteen companies of coast artillery, two companies of engineers, two companies of signal corps, four troops of cavalry, in addition to machine gun companies, companies of infantry, ambulance companies, field hospitals, and batteries of field artillery that may be authorized.

Total num-  
ber of  
companies

SEC. 2. Section one thousand nine hundred twenty-seven of the Political Code of the State of California is hereby amended to read as follows:

Adjutant  
general's  
department

1927. The adjutant general's department shall consist of one brigadier general, one lieutenant colonel, who shall be the assistant to the adjutant general, State of California, and such officers of the rank of major, not exceeding three in number, as may be necessary for the proper administration of the department. The brigadier general shall be chief of the department and shall be designated by the title of the adjutant general, State of California. The brigadier general of the adjutant general's department shall be appointed by and hold office at the pleasure of the governor, or until his successor is appointed and qualifies; *provided*, that the qualifications for appointment to the grade of brigadier general in the adjutant general's department shall be the same as is prescribed in section 1934 of this code for a general officer. The officer with the grade of lieutenant colonel in the adjutant general's department shall be on duty in the adjutant general's office and his qualifications for appointment shall be the same as prescribed in this code for appointment to the grade of brigadier general in the adjutant general's department. All officers in the adjutant general's department shall be appointed by the governor and shall hold office at his pleasure or until their successors are

Officers  
appointed by  
governor.

appointed and have qualified, taking into consideration the recommendation of the adjutant general; *provided*, that the officers of the adjutant general's department that are to be assigned to brigades shall be appointed as provided for other staff officers in section 1957 of this code. All officers appointed to the grade of major in the adjutant general's department shall have served not less than two years as commissioned officers in the national guard of California. There shall be employed in the adjutant general's office the following clerical force: One chief clerk, three clerks, and one stenographer and clerk. There shall also be employed in the adjutant general's office one military storekeeper, and one assistant military storekeeper and porter.

Clerical force

SEC. 3. Section one thousand nine hundred twenty-eight of the Political Code of the State of California is hereby amended to read as follows:

1928. The chief of the adjutant general's department shall be in control of the military department of the state, and subordinate only to the commander-in-chief in matters pertaining to the said department. He shall be chief of staff. He shall perform such duties as are prescribed in this title and such other duties consistent with the regulations and customs of the United States army and United States navy as may be prescribed by the commander-in-chief. All the duties of the adjutant general shall be performed under the direction of the commander-in-chief

Adjutant general.

Duties.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a biennial report to the commander-in-chief including a detailed statement of the moneys received and disbursed by him for military purposes during that period, and the number and condition of the national guard.

Register of officers

Report

2. He shall, at the expense of the state, when necessary, cause the military law, general regulations of the state and articles of war of the United States, and such other military publications as may be necessary for the military service, to be printed, indexed, and bound in compact form and distributed to the commissioned officers and the several organizations of the national guard.

Publications

3. He shall cause to be prepared and issued all necessary blank books, blanks and notices required to carry into full effect the provisions of this title. All such books and blanks shall be and remain the property of the state.

Blank books, notices

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal.

Seal

5. In order that the national guard of the state may receive the funds provided by congress, it shall be the duty of the adjutant general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing

Plan of proposed field or camp service

year, with an estimate of the funds required for pay, subsistence, and transportation of the portion of the national guard participating therein; and said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war, or the secretary of the navy.

6. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in the possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction.

Care of  
arms, etc

7. He shall attend to the care, preservation, and safekeeping and repairing of the arms, ordnance, accoutrements, equipments, and all other military property belonging to the state or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia.

Sale of  
unsuitable  
military  
property

All military property of the state, which, after a proper inspection, shall be found unsuitable for the use of the state shall, under the direction of the commander-in-chief, be disposed of by the adjutant general at public auction after suitable advertisement for sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale or may be condemned and destroyed when so ordered by the commander-in-chief. He shall bid in the property or suspend the sale whenever in his opinion better prices may or should be obtained. He shall, from time to time, render to the commander-in-chief a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the commander-in-chief may direct. And all such military property belonging to the state may be disposed of by the adjutant general without reference to the state board of control. He shall be responsible for all the arms, ordnances, accoutrements, equipments and other military property which may be issued to the state by the secretary of war and secretary of the navy in compliance with the law; and it shall thereafter be his duty to prepare returns of such arms and other property of the United States at the time and in the manner required by the secretary of war and the secretary of the navy. He shall, upon the order of the commander-in-chief, turn in to the ordnance department of the United States army or navy, the rifles, carbines, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments the property of the United States and in the possession of the state, which may be replaced from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under the instructions from the secretary of war, or secretary of the navy, to the designated arsenal or depot at the expense of the United States. And when the national guard of the state shall be fully armed and equipped

Responsi-  
bility for  
arms issued  
by govern-  
ment.

with the standard magazine arms, and the standard equipment and accoutrement of the United States army and navy, he shall cause all the remaining arms, equipments, etc., the property of the United States, and in possession of the state, to be transferred and shipped as above directed.

8. He shall keep a just and correct account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

Account of expenses

9. He shall issue such military property as the commander-in-chief shall direct, and under his direction shall make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except such portions of the reserve militia as may be called out by the commander-in-chief. Purchases of property not exceeding five hundred dollars in value shall be made in such manner as the adjutant general shall direct. If such purchases shall require an expenditure of a sum exceeding five hundred dollars he shall publicly advertise for not less than ten days for sealed proposals for furnishing such property; such proposals shall be publicly opened by him at the place, day and hour designated in such advertisement; *provided, however,* that he may purchase at any time any or all military property, equipments and supplies, required by the military department of the state from the United States government, under the provisions and regulations of the war and navy departments governing such purchases. He shall, if the commander-in-chief approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require the party who shall agree or contract to furnish such property to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney general and all moneys received therefrom shall be expended by the adjutant general for the benefit of the national guard. All property purchased under authority herein granted shall be inspected by an inspector or officer detailed for the purpose by the commander-in-chief, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof, the commander-in-chief may temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property or supplies as may be required in open market.

Issuing of military property.

Purchases

Bond of bidder

In case of insurrection, etc

Commissions attested 10. The adjutant general shall attest all commissions issued to military officers.

Reports to government 11. He shall superintend the preparation of all returns and reports required by the United States from the state on military matters.

In absence of adjutant general 12. In the absence or inability of the adjutant general to perform his duties, the officer on duty in the adjutant general's department of the rank of lieutenant colonel, shall perform the duties prescribed for the adjutant general, and in the absence or inability of both of said officers, the chief of the inspector general's department shall perform the said duties during such absence or inability. The duties of the officers of the adjutant general's department shall be such as prescribed by law and the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers in the United States army.

SEC. 4. Section one thousand nine hundred twenty-eight *a* of the Political Code of the State of California is hereby amended to read as follows:

Inspector general's department 1928*a*. The inspector general's department shall consist of such officers of the grade and number as may be prescribed by the commander-in-chief, and the same shall be of the grades and number, as closely as practicable, as are authorized and prescribed by the laws and regulations of the war department for the corresponding department of the United States army and as are authorized and prescribed by said laws and regulations of the war department for the organized militia. The duties of the officers of the inspector general's department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers of the United States army.

Duties

SEC. 5. Section one thousand nine hundred twenty-eight *b* of the Political Code of the State of California is hereby amended to read as follows:

Judge advocate's department. 1928*b*. The judge advocate general's department shall consist of such officers of the grades and number as may be prescribed by the commander-in-chief, and the same shall be of the grades and number, as closely as practicable, as are authorized and prescribed by the laws and regulations of the war department for the corresponding department of the United States army and as are authorized and prescribed by said laws and regulations of the war department for the organized militia. The duties of the officers of the judge advocate general's department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers of the United States army.

Duties

SEC. 6. Section one thousand nine hundred twenty-eight *d* of the Political Code of the State of California is hereby amended to read as follows:

1928d. The quartermaster corps shall consist of a quartermaster general, (who shall be the adjutant general), and of such officers, enlisted men and civilian employees as are deemed necessary by the commander-in-chief in organizing said corps under the provisions of section one thousand nine hundred and twenty-five of this title, and such officers and enlisted men shall have the same titles as those of corresponding grades in the United States army and shall be of the same grades and numbers as nearly as practicable as are authorized or prescribed by the laws and regulations of the United States for the corresponding corps of the United States army, or as authorized or prescribed by the said laws and regulations of the war department for the organized militia. The enlistments in the quartermaster corps and the appointments of noncommissioned officers and the employment of civilian employees therein shall be as prescribed by the commander-in-chief. The duties of the officers, the enlisted and civilian personnel of the quartermaster corps shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for a like corps of the United States army.

Quartermaster corps

Duties.

SEC 7. Section one thousand nine hundred twenty-nine of the Political Code of the State of California is hereby amended to read as follows:

1929. The medical department of the national guard of California shall consist of a medical corps, a hospital corps, the medical department of the naval militia, and of such officers and enlisted men as are deemed necessary by the commander-in-chief in organizing the said corps under the provisions of section 1925, of this title, and such officers and enlisted men shall have the same titles as those of corresponding grade of the United States army or United States navy, and shall be of the same grades and number, as closely as practicable, as are authorized or prescribed by the laws and regulations of the United States for the medical department of the United States army or navy, or as authorized or prescribed by the said laws or regulations of the war or navy department for the organized militia or naval militia. The duties of the officers and enlisted men of the medical department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders or regulations of the war or navy department for a like department of the United States army or navy. When deemed necessary by the commander-in-chief, a medical reserve corps, a female nurse corps, or a dental corps, or all three, may be provided.

Medical department

Duties

SEC. 8. Section one thousand nine hundred thirty of the Political Code of the State of California is hereby amended to read as follows:

1930. The corps of engineers (when authorized) shall consist of such officers and enlisted men of the grades and number as may be prescribed by the commander-in-chief, and the same

Corps of engineers.

shall be of the grades and number, as closely as practicable, as are authorized and prescribed by the laws and regulations of the war department for the corresponding corps of the United States army and as are authorized and prescribed by said laws and regulations of the war department for the organized militia. The duties of the officers and enlisted men of the corps of engineers shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers and enlisted men of the United States army.

Duties

SEC. 9. Section one thousand nine hundred thirty-one of the Political Code of the State of California is hereby amended to read as follows:

Signal corp-

1931. The signal corps (when authorized) shall consist of such officers and enlisted men of the grades and numbers as may be prescribed by the commander-in-chief, and the same shall be of the grades and number, as nearly as practicable, as are authorized and prescribed by the laws and regulations of the war department for the corresponding corps of the United States army and as are authorized and prescribed by said laws and regulations of the war department for the organized militia. The duties of the officers and enlisted men of the signal corps shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers and enlisted men of the United States army.

Duties.

SEC. 10. Section one thousand nine hundred thirty-four of the Political Code of the State of California is hereby amended to read as follows:

Infantry.

1934. The organization of infantry of the national guard shall conform as nearly as practicable in numbers and grades of commander, staffs, officers and enlisted men, to similar organizations of the United States army. The infantry shall be organized into brigades, regiments, battalions, separate battalions, companies, separate companies and detachments, as nearly as practicable conforming as to officers, staff, personnel and equipment to like organizations of the United States army. The minimum strength of an infantry company of the national guard, in time of peace, shall be such officers and enlisted men of such number and grades as are deemed necessary by the commander-in-chief, and in conformance, as nearly as practicable, to the laws and regulations of the United States for a similar company of the United States army or to the said laws and regulations of the war department for the organized militia. In the event of a call by the president of the United States for troops from the State of California, sufficient in numbers to constitute a division, such troops may be organized into a division, which shall be commanded by a major general or by the senior officer of the line present for duty with the division. No person shall be commissioned as a general officer in the national guard of this state unless he shall have attained

Minimum strength.

to the grade of field officer, and shall have had four years' previous experience either as a commissioned officer in command of, or in service with, troops of the line of this state, or of another state, or territory, or District of Columbia, or of the United States army or marine corps, or in any or all of said services combined.

SEC. 11. Section one thousand nine hundred fifty-one of the Political Code of the State of California is hereby amended to read as follows:

1951. All officers shall be commissioned by the commander-in-chief, but he may refuse to issue a commission to any person elected or appointed if the person elected or appointed be in any way unqualified or unworthy to be an officer in the national guard; but no one shall be commissioned unless the conditions set forth in sections one thousand nine hundred and fifty-three and one thousand nine hundred and fifty-four of this chapter have been complied with, and no one shall be recognized as an officer unless he shall have been duly commissioned and shall have taken the oath of office, and filed the bond in the manner and as required in this title.

Officers commissioned by commander-in-chief

SEC. 12. Section one thousand nine hundred fifty-four of the Political Code of the State of California is hereby amended to read as follows:

1954. Before receiving a commission consequent upon an appointment or election, or before being commissioned to a higher grade as a result of promotion, every officer of the national guard must have passed a satisfactory physical examination before a medical officer of the national guard, and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examination shall not be eligible for an office in the national guard or for promotion for a period of one year after date of such failure; *provided*, that general officers, officers on the staff of the commander-in-chief, chiefs of departments and corps are exempt from examination; *provided, further*, that the captain of the naval militia, colonels commanding regiments, engineer officers, judge advocates and chaplains shall be exempt from mental examinations.

Examination for commissions

SEC. 13. Section one thousand nine hundred fifty-seven of the Political Code of the State of California is hereby amended to read as follows:

1957. General officers of the line of the national guard shall be appointed by the commander-in-chief by and with the advice and consent of the senate. During the time the senate is not in session, the commander-in-chief shall make such appointments subject to subsequent confirmation by the senate. All such officers shall hold office during the pleasure of the commander-in-chief or until their successors are appointed and qualified. The chief of staff departments and staff corps and the extra officers appointed therein, and the personal aides-de-camp of the commander-in-chief shall be appointed by the

Appointments

commander-in-chief and shall hold office during his pleasure or until their successors are appointed and qualified. The officers on the staff of a brigade, the officers allowed to regiments, battalions, and squadrons for staff duty, and chaplains, may be appointed by the commander-in-chief upon the recommendation of their immediate commanding officer, and shall hold office during the pleasure of their immediate commanding officer, or until their successors are appointed and qualify. Officers of the medical department, with the exception of the chief surgeon, may be appointed by the commander-in-chief, upon the recommendation of the chief surgeon, and shall hold office at the pleasure of the commander-in-chief or until their successors are appointed and qualified.

SEC. 14. Section one thousand nine hundred sixty-three of the Political Code of the State of California is hereby amended to read as follows:

Retirement  
on account  
of disability.

1963. (1) Any commissioned officer who has become disabled from longer performing the active duties of his office, may, upon his own application, be placed upon the retired list; *provided*, that such disability shall have been incurred while in the performance of duty.

Application  
and  
examination.

(2) If an officer for the above reason desires to be placed upon the retired list, he shall make application to the commander-in-chief to appoint a board of medical officers, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the commander-in-chief, the adjutant general shall issue orders retiring such officer.

Retirement  
after eight  
years service.

(3) Any commissioned officer who shall have served as such in the national guard of this state for a period of eight years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command with the rank held by him at the time such application is made. And any person who shall have at any time heretofore served as a commissioned officer in the militia or national guard of this state for a period of eight years, shall, upon his own application and due proof of such service, be placed upon the retired list with the rank held by him at the time of the expiration of his commission. Upon application as above provided being duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed from the service.

Retirement  
on account  
of being  
rendered  
supernum-  
erary.

(4) Any officer who shall have been rendered supernumerary by reason of the reorganization of the national guard and any officer who shall have been mustered out by reason of the discontinuance of the organization with which he is serving, shall, upon his application, be placed upon the retired list with the

rank held by him at the time he becomes supernumerary; *provided*, he shall have served for five years continuously as a commissioned officer of the national guard.

(5) The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief; and he shall cause to be issued such orders as he may deem necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duty other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to pay of the rank which properly belongs to the office, the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officers shall again return to the retired list with their former retired rank. A roster of all officers on the retired list shall be kept in the adjutant general's office.

When officers on retired list subject to duty

(6) Officers on the retired list may return to the active list by appointment or election, and when such term of appointment or election shall cease, may, upon application, be returned to the retired list with the rank previously held by them on said retired list; *provided, however*, that when an officer has been taken from the retired list by election or appointment, and shall have served more than one year thereafter on the active list, he may be returned to the retired list with the rank then held by him on the active list.

Return to active list

(7) Officers on the retired list shall, on all occasions of duty, and on all occasions of ceremony, take rank next to officers of like rank on the active list.

Rank of retired officers

Sec 15. Section one thousand nine hundred eighty-five of the Political Code of the State of California is hereby amended to read as follows:

1985. An honorable discharge shall be issued under the following circumstances, viz: to a man who has faithfully performed his duties during his term of service as required by the conditions of his enlistment or re-enlistment, or during his total service, and who has been lawfully relieved of all responsibility for public property issued to him, and from all accountability to his organization. Unless unavoidable circumstances intervene such discharge will be furnished an enlisted man at once upon the expiration of his term of service, which term will date from the taking of the oath of enlistment or re-enlistment. Proper steps shall be taken in due time for the settlement of the enlisted man's accounts and responsibility for property, and forwarding the necessary papers so as not to withhold the discharge after it is due.

Honorable discharge

Any enlisted man may be honorably discharged before the expiration of his term of service by order of the commanding officer of a regiment, of the coast artillery corps, of the naval militia, or unattached battalion or squadron, or, if a member of an unattached company or troop, by the brigade commander

Before expiration of term of service.

or the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons:

Reasons.

1. To accept promotion by commission;
2. To enlist in the United States army, navy, or marine corps;
3. Upon disability established by a certificate of the medical officer;
4. Upon removal of residence from the state or out of the bounds of the command to which he belongs to so great a distance that in the opinion of the commanding officer he can not properly perform his military duty;
5. At the discretion of the officers authorized to issue discharges upon the recommendation of the company, troop, or other immediate commander, when the man seeking discharge shall make application and furnish satisfactory proof under oath that further service in the national guard will entail great loss and unusual hardship upon him; such discharge shall not be granted when a man is ordered into active service, or until he shall have served one year of the term of enlistment in force at the time of his application for such discharge;

6. To a man rendered supernumerary by the reduction of the organization of which he is a member: or who is a member of an organization which may be disbanded.

Dishonorable discharge.

A dishonorable discharge shall be issued:

1. To a man sentenced by a general court-martial to be discharged;
2. To a man convicted of a felony in a civil court;
3. To a man for neglecting or refusing to pay any fine imposed by a military court within thirty days after it was imposed.

Discharge without honor

A discharge without honor may be issued:

1. By sentence of a general or summary court-martial;
2. Whenever the commanding officer of a company shall approve the application of two-thirds of the members of the company for the discharge of an enlisted man thereof; *provided*, that at a regular meeting of the company, or at a meeting called for that purpose, two-thirds of the members of the company desire by vote the discharge of one of their members;
3. To a man whose immediate commanding officer applies for his discharge without honor. The application for such discharge shall be directed to the officer authorized to issue it, and shall briefly state the grounds on which the discharge is applied for. The man whose discharge is applied for shall be entitled to be heard in person to explain the statements contained in the application and shall have ten days' notice of such hearing, a copy of the application and of the notice of time and place of hearing being served on the man in the same manner as warnings for duty are given. If the officer authorized to issue the discharge approves of the application of the immediate commanding officer after the

conclusion of the hearing above provided for, he will issue the discharge, and if he disapproves, the man will not be discharged;

4. The officers authorized to issue discharges may also upon application of company commanders, discharge without honor, if convinced after proper investigation that such discharge should be issued, any enlisted man who habitually absents himself from the drills and instruction of his organization, or has shown a lack of interest in his military work sufficient to warrant the same;

5 Or any enlisted man may be discharged without honor for the good of the service by the commanding officer of the regiment, coast artillery corps or unattached battalion or squadron, or if a member of an unattached company or troop, by the brigade commander, or in other instances by the commander-in-chief, upon the recommendation of a company or troop commander and after a careful investigation by the officer issuing the discharge

The officers authorized to issue the discharges hereinbefore specified are: The commanding officer of a regiment, or of a battalion or squadron not part of a regiment or the coast artillery corps; the commanding officer of a brigade for any organization attached to the brigade and not above specified; the commanding officer of the naval militia and the commander-in-chief.

officers  
authorized  
to issue  
discharges

SEC. 16. Section two thousand six of the Political Code of the State of California is hereby amended to read as follows:

2006. All officers or members of the national guard who absent themselves from three consecutive assemblages, without an excuse acceptable to their immediate respective commanding officers, are debarred from the privileges and exemptions provided for members of the national guard; and all noncommissioned officers or privates upon being reported as having been so absent shall forthwith be court-martialed by order of the regimental or unattached battalion or squadron commander in their respective commands, and in all other organizations not attached to regiments, battalions, or squadrons, but attached to brigades, by order of the brigade commander, and in all unattached organizations, by order of the commander-in-chief, and, upon conviction by court-martial, the delinquent shall be punished by dishonorable discharge from the service or fined. No fine imposed shall be less than five dollars or more than fifty dollars. The proceedings of such court shall be subject to approval and review as in other cases. Nothing in this section shall be construed to prevent the dishonorable discharge of a member of the national guard upon conviction by summary court, who shall have neglected or refused to pay any fine imposed thereby within thirty days after it was imposed.

Absence from  
assemblages

Fine

SEC 17. Section two thousand eighty-one of the Political Code of the State of California is hereby amended to read as follows:

Officers to  
give bonds.

2081. All officers of the national guard and naval militia of California must give such bonds and security as may be required and within the time prescribed by the adjutant general to secure the state for loss on account of the misuse or misapplication of any state or company property or funds, or property of the United States in use by the state. Said bonds must be conditioned upon the faithful performance of all duties, and accounting for all property and moneys, including company funds, of which the commanding officer, who is ex officio treasurer, shall be custodian. Where a bonding company is required or given as surety, the cost of bonds may be paid from the state allowance to commanding officers; *provided*, that the premium on the bond required to be furnished by any officer of the national guard or naval militia of California detailed or appointed to disburse United States funds may be paid to such officer upon proper claim from such military fund as the adjutant general may direct. The amounts of such bonds shall be as follows: The adjutant general in the sum of ten thousand dollars, brigade quartermaster in the sum of two thousand dollars, regimental quartermaster in the sum of two thousand dollars, battalion quartermaster in the sum of one thousand dollars, the chief of coast artillery, commanding officers of regiments, naval militia, unattached battalions and squadrons, in the sum of one thousand dollars, commanding officers of companies, troops, batteries, and divisions of the naval militia in the sum of two thousand dollars; all other officers in the sum of five hundred dollars. Any officer who is accountable for any state, or company funds or property who fails or neglects to deliver over such funds or property to the person designated by proper authority to relieve such officer, shall be held responsible and shall be charged with all shortages both of funds and property not covered by the receipt obtained by such officer from the person to whom he shall have delivered over such property. Quartermasters shall be held accountable and responsible for all property issued to the headquarters to which they are attached, or with which they are on duty. All moneys, including company funds, of which the commanding officer is the custodian, shall be deposited in a United States national bank or a responsible bank duly incorporated under and by virtue of the laws of the State of California.

Amounts.

Responsi-  
bility for  
shortages.

Deposit of  
moneys

SEC. 18. Section one thousand nine hundred eight of the Political Code of the State of California is hereby amended to read as follows:

Staff of  
commander-  
in-chief.

1908 The staff of the commander-in-chief shall consist of the chiefs of the several staff corps and departments of the national guard, and the lieutenant colonel of the adjutant general's department of the national guard and may include the following personal aids-de-camp: Five aids-de-camp who the commander-in-chief may appoint at discretion, and who shall have the rank of lieutenant colonel, and one naval aid with rank of commander and such appointment shall operate as

a commission of such aids-de-camp. The commander-in-chief is also authorized to detail from time to time as their services may be required, five officers of the national guard, and one officer of the naval militia, as aids-de-camp. The officers so detailed shall not be relieved from their regular duties, except when actually on duty with the commander-in-chief, and such detail shall terminate upon the expiration of the term of office of the governor upon whose staff they may be serving, or at the pleasure of the governor. The detail as such aid-de-camp shall not affect the grade or commission of any officer so detailed.

SEC. 19. Section two thousand seventy-nine of the Political Code of the State of California is hereby amended to read as follows:

2079. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry, coast artillery and engineer company of the national guard, and each division and marine company of the naval militia, except the engineer divisions of the naval militia, the sum of one hundred dollars per month; to the commanding officer of each field hospital, one hundred and twenty-five dollars per month; to the commanding officer of each ambulance company, one hundred and fifty dollars per month; to the commanding officer of each machine gun company, company of signalmen, troop of cavalry, battery of field artillery, and of the engineer divisions of the naval militia the sum of two hundred dollars per month; *provided*, that in case machine gun platoons or detachments are organized instead of full machine gun companies, that said platoons or detachments shall receive that proportion of the monthly allowance herein provided for a full machine gun company, that the said platoon or detachment in numbers of personnel bears to said company: the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company, troop, battery, field hospital, or division. There shall be allowed, audited, and paid out of the same appropriation, to the commanding officer of each brigade the sum of two hundred dollars per month, to the commanding officer of each regiment, and of the naval militia, and to the chief of coast artillery the sum of one hundred and fifty dollars per month, to the commanding officer of each separate battalion or separate squadron the sum of fifty dollars per month: the sums so paid to be used for rent of headquarters, clerical expenses, stationery, printing, postage and proper incidental expenses of the commanding officer of the organization for which said sums are audited, allowed and paid. If any regiment, the naval militia, or the coast artillery corps, or separate battalion or separate squadron shall have attached to it a uniformed and organized band of not less than twenty-eight people, to the commanding officer of such regiment, naval militia, artillery corps, separate battalion or separate squadron, the additional sum of seventy-five dollars per month for such band; to the chief surgeon the sum of fifty

Payments from appropriation for military purposes

dollars per month for rent and proper incidental expenses; and to the adjutant general the sum of ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the medical officer in charge of each detachment of the medical department on duty with a regiment, with the signal corps, cavalry, field artillery, with the coast artillery, and the chief surgeon of the naval militia, the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment.

Claims

No claim shall be allowed under the provisions of this section except upon demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion, or separate squadron, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.

SEC. 20. Section two thousand eighty-six of the Political Code of the State of California is hereby amended to read as follows:

Payments  
from general  
fund  
salaries

2086. There shall be allowed and paid out of the general fund in the state treasury to officers, clerks and other employees in the adjutant general's department, the following salaries payable monthly: To the brigadier general of the adjutant general's department (the adjutant general) three thousand six hundred dollars per annum; to the lieutenant colonel of the adjutant general's department, three thousand dollars per annum; to the chief clerk, nineteen hundred dollars per annum; three clerks, seventeen hundred dollars per annum each; one stenographer and clerk, fifteen hundred dollars per annum; one military storekeeper, twelve hundred dollars per annum; one assistant military storekeeper and porter, nine hundred dollars per annum.

SEC. 21. Section two thousand one hundred seven of the Political Code of the State of California is hereby amended to read as follows:

State  
armory  
board

2107. The adjutant general, the officer with the rank of lieutenant colonel in the adjutant general's department, the inspector general, the judge advocate general, and the commanding officer of the brigade within whose command the armory or arsenal may be located, shall constitute the state armory board. Said board shall have control of all armories or arsenals built by the state, or that may come into possession of the state, or any building or buildings that may be erected, purchased or provided by any town, city, county, or city and county, for armory or arsenal purposes pursuant to any legislative act. It shall be the duty of the board, under the direction

Powers

of the governor, to make and enforce regulations for the government and control of such armories and buildings, and where appropriations have been made therefor, to advertise for and receive bids for the construction of armories, or arsenals, to enter into contract for the construction and completion thereof, to contract for and purchase the furnishings therefor, and to purchase and lease real estate for the purpose of erecting armories or arsenals thereon; *provided*, that it shall be the duty of the state engineer to furnish the plans, estimates and specifications for all armories and arsenals, and to superintend the erection and construction of such buildings

Duties.

SEC. 22. Section one thousand nine hundred sixty-two of the Political Code of the State of California is hereby amended to read as follows:

1962 Any officer of a regiment, battalion, squadron, company, battery or troop who accepts a commission in any staff corps or department shall be deemed to have resigned the commission held by him at the time of the acceptance of such appointment to such staff corps or department.

Officer accepting staff commission deemed resigned

SEC. 23. Section one thousand nine hundred sixty-seven of the Political Code of the State of California is hereby amended to read as follows:

1967. No dishonorably discharged officer or enlisted man of the national guard or naval militia of California shall be permitted to hold any public office of trust or emolument in this state, or be permitted to again enter any organization of the national guard or the naval militia, or be commissioned in the national guard or naval militia, except the offense be pardoned by the commander-in-chief. No enlisted man discharged without honor from the national guard or naval militia of California shall be permitted to again enter any organization of the national guard or the naval militia except the offense be pardoned by the commander-in-chief.

Dishonorably discharged persons not to hold public office

Enlisted men discharged without honor

SEC. 24 Section one thousand nine hundred eighty-one of the Political Code of the State of California is hereby amended to read as follows:

1981 Applications or propositions for membership in any troop, company, battery, organized corps, or naval division of the national guard shall be made only at a regular weekly meeting or assemblage of such organization; and the names of such applicants shall be posted in a conspicuous place in its headquarters or armory until the next succeeding regular weekly meeting or assemblage of such organization, at which time, and not before, such applicant may be balloted for.

Applications for membership

SEC 25 Section one thousand nine hundred eighty-four of the Political Code of the State of California is hereby amended to read as follows:

1984. Commanding officers of regiments and of battalions and squadrons not part of regiments shall appoint and warrant the noncommissioned officers of their respective regiments, battalions and squadrons, and they shall, in their discretion, warrant the noncommissioned officers of the troops, batteries

Appointment of non-commissioned officers

and companies of their respective regiments, battalions, and squadrons from the members thereof, upon the written nomination of the commanding officers of the troops, batteries and companies, respectively. In troops, batteries and companies not part of a regiment, battalion, or squadron, but attached to a brigade, the noncommissioned officers shall be warranted by the brigade commander, in his discretion, from the members thereof, upon the written nomination of the commanding officer of such troop, battery or company. In troops, batteries, companies, and corps except the coast artillery corps, not attached to a brigade, regiment, battalion, or squadron, the noncommissioned officers shall be warranted by the adjutant general, in his discretion, from the members thereof, upon the written nomination of the commanding officer of such troop, battery, company or corps. The officer warranting a noncommissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the noncommissioned officers warranted in accordance with this section; but such as were enlisted as noncommissioned officers shall be discharged.

SEC. 26 Section two thousand eighty of the Political Code of the State of California is hereby amended to read as follows:

2080 The sum of two hundred and fifty dollars shall be audited by the adjutant general and annually paid out of the appropriation for military purposes, to each company, troop, battery, field hospital and ambulance company of the national guard and to each division and marine company of the naval militia. The amount so audited and allowed shall be paid to the commanding officers of such organizations for the use thereof.

SEC. 27. Section two thousand one hundred eleven of the Political Code of the State of California is hereby amended to read as follows:

Naval  
militia

2111. The organized naval militia of California shall consist of such number of deck and engineer divisions and companies of marines as the commander-in-chief may from time to time prescribe, the total number of such divisions and companies not to exceed fourteen. The naval militia shall be located throughout the coast of the State of California at the discretion of the commander-in-chief. The words "division" and "company" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "company" when used in connection with infantry as used in this chapter, and the word "battalion" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "battalion" when used in connection with infantry as used in this chapter. The several divisions and companies of marines of the naval militia shall be organized into battalions at the discretion of the commander-in-chief.

Location.

SEC. 28. Section two thousand one hundred twelve of the Political Code of the State of California is hereby amended to read as follows:

2112. The numerical strength, rank, titles and insignia of rank of the divisions and companies of marines of the naval militia shall conform as nearly as may be deemed practicable by the commander-in-chief to the laws, rules and regulations of the United States navy, and such rules and regulations as may be prescribed by the secretary of the navy for the naval militia. The naval militia shall be organized into a naval brigade, which shall consist of two administrative battalions, each battalion to comprise not less than four nor more than seven divisions or marine companies.

Strength, etc., to conform to laws of U. S. navy

The officers, chief warrant officers, warrant officers and enlisted men of the naval militia of California shall be of such number and grades as may be prescribed by the commander-in-chief and the same shall be as nearly as practicable of the same number and grades as are authorized or prescribed by the laws and regulations of the United States for similar organizations of the United States navy, or as authorized or prescribed by said laws and regulations of the navy department for the naval militia.

Officers.

The captain and commanders for line duty shall be elected and hold office as prescribed in this chapter for officers of similar grades of regiments of infantry. All other officers, except division and marine company officers, shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall hold office as prescribed in this title for officers of similar grades of regiments. All elections for officers of the naval militia shall be ordered by the commander-in-chief. The commissioned officers of each division and marine company shall be elected in the same manner and hold office as prescribed in this title for company officers of the national guard.

Election or appointment.

Officers of the naval militia may be retired as provided in section 1963 and section 1963a of this chapter.

Retirement.

Except as otherwise provided in this chapter, all officers of the naval militia, prior to being commissioned consequent upon an election or appointment shall be subject to examination as to qualifications and general fitness for the service by a board of officers to be detailed by the commander-in-chief. Chief warrant officers may be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall receive from the commander-in-chief a commission in the same form as commissioned officers of the naval militia. Warrant officers may be appointed by the adjutant general upon the recommendation of the commanding officer of the naval militia and warrants for warrant officers may be issued by the adjutant general upon the recommendation of the commanding officer of the naval militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the naval militia, who shall issue to such

Examination.

Warrant officers.

chief petty officers and petty officers a warrant in proper form.

Petty officers.

*Organization.* The organization of the naval militia shall conform generally to the provisions of the laws of the United States. The system of discipline and exercise shall conform as nearly as practicable to that of the navy of the United States as it is now and as it may hereafter be prescribed by congress and that prescribed by the provisions of the Political Code relating to the national guard of California, and that prescribed by the secretary of the navy for the guidance of the naval militia; the commander-in-chief shall have power to alter, divide, annex, consolidate and disband the naval militia or any portion thereof whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government and instruction of the naval militia: but such rules and regulations shall conform as nearly as practicable to those governing the United States navy and those prescribed by the secretary of the navy for the conduct of the naval militia. The commander-in-chief is authorized to apply to the president of the United States for the detail of commissioned officers and petty officers of the navy to act as inspectors and instructors in the art of naval warfare. Summary courts-martial for the naval militia when necessary shall be ordered by the commanding officer of the naval militia and general courts-martial for the naval militia when necessary shall be ordered by the commander-in-chief and shall be organized and conducted within the laws, regulations and usages of the United States navy and the provisions of the section relating to military courts in this chapter. The proceedings shall be reviewed and sentence executed as provided in this chapter.

*Courts-martial*

*Command of vessels.* Vessels loaned by the United States government to the State of California for the use of the naval militia shall be commanded by the ranking officer for line duty resident at the port to which said vessel is assigned, and in the absence of such ranking officer for line duty by the next ranking officer for line duty.

*Engineer division.* In a locality where there are insufficient men available to form an engineer division and there already exists an organized deck division, men of the artificer branch may be additionally enrolled in such deck division with such ratings as they may be qualified to fill, until such time as there is a sufficient number of them to form a separate engineer division, and any men in such artificer branch may be rated in the various petty officer's ratings in the artificer branch of the naval service which they are qualified to fill. In a locality where there are insufficient men available to form a marine company and there is already existing in that locality a deck division of the naval militia, a marine section may be organized with one officer and not less than twenty enlisted marines.

*Marine section*

Sec. 29. A new section is hereby added to the Political Code of the State of California to be numbered one thousand nine hundred sixty-three *a* and to read as follows:

1963a. Any commissioned officer who shall have served as a commissioned officer in the national guard of California for a period of fifteen years, may, upon his own application, be placed upon the retired list and be withdrawn from active service and command with an increase of rank of one grade above that held by him at the time such application is made. Nothing in this section shall be construed to permit the placing on the retired list of any officer who shall have been dishonorably dismissed from the service.

Retirement  
after fifteen  
years' service

CHAPTER 410.

*An act to amend sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor." approved April 5, 1911.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section two of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911, is hereby amended to read as follows:

Sec 2. Said companies shall each have one captain, one first lieutenant, one second lieutenant appointed and commissioned by the adjutant general, State of California, upon the recommendation of the commandant of cadets, herein provided for, and with the approval of the principal, and such noncommissioned officers and privates as correspond to the noncommissioned officers and privates of the infantry companies of the national guard of California, the noncommissioned officers to be appointed and warranted by the commandant of cadets, with the approval of the principal.

Officers of  
cadet  
companies

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

Sec 3 In case any high school has more than one company it shall have one cadet major, one cadet adjutant and one battalion quartermaster and commissary, the last two mentioned officers to have the rank of first lieutenant, who shall be appointed and commissioned by the adjutant general, State of California, upon the recommendation of the commandant of cadets, and with the approval of the principal, and one sergeant major and one color sergeant, who shall be appointed and warranted by the commandant of cadets, with the approval of the

In case  
school has  
more than  
one company

*Organization into regiments.* principal. The adjutant general may, in his discretion, organize the companies of the high school cadets into one or more regiments and may commission the necessary officers and warrant the necessary noncommissioned officers of the same grades and number provided for similar organizations of the national guard of California.

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

*Cancellation of commission* SEC. 4. Any commissioned officer, or noncommissioned officer, may have his commission or warrant canceled, and be reduced to the ranks, upon the recommendation of the principal of the high school, for falling back in his studies, or for misbehavior, either in school or in the cadet company, or for other good cause appearing in the judgment of the principal.

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

*Officers from senior and junior classes.* SEC. 5. All cadet officers shall be appointed from the senior and junior classes of high schools.

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

*Drill* SEC. 6. Said high school cadets shall have drill in accordance with the infantry drill regulations prescribed by the United States army.

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

*Uniforms* SEC. 7. Said high school cadets shall wear a uniform similar to that prescribed for the infantry of the national guard of California, except that instead of shoulder straps, cadet chevrons indicating rank, and distinctive collar ornaments shall be worn. The adjutant general, State of California, is authorized to issue to the high school cadets the required cap and collar ornaments, and chevrons. A regulation uniform for cadets shall be kept in the adjutant general's office to be used as sample from which the uniforms for the high school cadets shall be made.

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

*Rifles.* SEC. 8. A sufficient number of obsolete rifles for drill purposes may be purchased by the board of high school trustees, board of education, county superintendent of schools, the state superintendent of public instruction, or the adjutant general, State of California, out of any funds available and not otherwise appropriated.

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

*Target practice.* SEC. 9. Target practice shall constitute a part of the instruction to be given to said cadets, and the adjutant general, State of California, shall purchase and supply to each of said high schools a sufficient number of Springfield, or other efficient rifles for field target work and for gallery practice, and ammunition and equipment therefor, as in his judgment shall be necessary for efficient rifle practice. All target practice shall

be under the supervision of the commandants of cadets or competent members of the national guard or naval militia detailed by the adjutant general, State of California. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California high school cadets.

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

Sec. 10. When necessary, the adjutant general, State of California, may detail from the organizations of the national guard or naval militia, some competent member thereof who may act as drill and rifle practice instructor for said high school cadets. The adjutant general may provide for compensating the persons detailed by him to instruct said cadets in drill and target practice.

Drill and rifle practice instructor.

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

Sec. 11. Whenever practicable said high school cadets shall be permitted to shoot at target practice upon national guard rifle ranges, when not needed by the national guard, under the supervision of the commandant of cadets.

Target practice on national guard ranges.

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

Sec. 12. Said high school cadet companies shall be inspected once each year by officers of the national guard or naval militia detailed by the adjutant general, State of California, for that purpose. Such inspectors shall report to the adjutant general the result of such inspections, relating to the drill, target practice, attendance, discipline, and condition of property of said high school cadet organizations. Such reports shall be made and forwarded, in duplicate, one copy to the state superintendent of public instruction, and one copy to the adjutant general's office, and shall bear the indorsement of the principal of said school, containing such remarks as the principal may deem pertinent. Such reports shall also contain an inventory of the state property on hand in the cadet companies at the time of said inspections.

Inspection.

Reports

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

Sec. 13. The principal of the school shall be responsible for all public property supplied to said cadet companies, and shall supervise the proper care thereof.

Principal of school responsible for supplies

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

Sec. 14. The adjutant general, State of California, shall provide suitable drill regulations, books of instruction, and the necessary blank forms for reports of each of said high school cadet companies.

Drill regulations, books of instruction

SEC. 14. Section fifteen of said act is hereby amended to read as follows:

Sec. 15. Upon the recommendation of the adjutant general, State of California, and with the approval of the school board having jurisdiction over the high school, the governor may commission, in the same manner as national guard officers

Commandant of cadets.

are commissioned, a commandant of cadets for duty in each high school having one or more cadet companies. This officer shall be commissioned major and commandant of cadets, State of California, and shall hold office at the pleasure of the governor, or until his successor has been appointed and qualified, or until his connection with the cadets is severed. Said major and commandant of cadets shall be entitled to the same privileges and exemptions accorded national guard officers, except that pay and expenses on special detail shall be taken from the high school cadet appropriation, instead of from national guard funds. Said major and commandant of cadets shall wear the same uniform and shoulder straps as a major of infantry in the national guard of California, with cap and collar ornaments designating the California high school cadets.

SEC. 15. Section sixteen of said act is hereby amended to read as follows:

School boards, etc. to co-operate with adjutant general.

SEC. 16. Each and every board of high school trustees, board of education, county superintendent of schools, and the state superintendent of public instruction, are, and each is hereby authorized, empowered and directed to facilitate the purposes of this act, by co-operating with the adjutant general, State of California.

Repealed

SEC. 16. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 411.

*An act to amend section three hundred forty-eight of the Code of Civil Procedure, relating to the limitation of actions brought to recover money or other property deposited with any bank, banker, trust company or savings and loan society, by including therein building and loan association.*

[Approved May 19, 1915 In effect August 8, 1915.]

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

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

No limitation to certain actions

348. To actions brought to recover money or other property deposited with any bank, banker, trust company, building and loan association, or savings and loan society there is no limitation.

CHAPTER 412.

*An act providing for the disposition of fines and forfeitures collected in all prosecutions for violations of the laws of the state referring to wild birds, wild mammals and fishes.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. All fines and forfeitures imposed or collected in any of the courts of this state for violations of any of the laws or acts providing for the protection or preservation of any of the wild birds, wild mammals or fishes, shall be paid by the court imposing or collecting the same into the state treasury to the credit of the fish and game preservation fund.

Disposition of fines collected for violation of fish and game laws

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

CHAPTER 413.

*An act to regulate the issuance of licenses for resale to hunters and anglers.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Licenses granting the privilege to take, catch, hunt or kill fishes, wild mammals or wild birds shall be issued and delivered, upon application in writing, by the county clerk of any of the counties of the state, or by the state board of fish and game commissioners, or by the persons duly appointed and authorized by the said county clerks and the board of fish and game commissioners.

Who may issue hunting and fishing licenses

SEC. 2. For each license sold, registered and accounted for by any person, except by a fish and game commissioner or a deputy or assistant fish and game commissioner paid a salary in full for his services to the state, he shall be allowed as compensation, for his own use, out of the fish and game preservation fund, ten per cent of the amount or amounts accounted for by him.

Compensation for sale of licenses

SEC. 3. All acts or parts of acts in so far as they conflict with this act are hereby repealed.

## CHAPTER 414.

*An act to amend an act entitled "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, and approved, ratified and adopted by the people of the State of California at the general election held in the month of November, 1910, A. D., by amending section eight thereof, relative to the reimbursement to the state by the several counties thereof of sums equal to the interest upon certain outstanding bonds, and the proceeds of sale thereof, sold and applied as in said act provided, and providing for the submission of this act to a vote of the people.*

[Approved May 19, 1915. In effect—see sections 2, 3, 4.]

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

SECTION 1. Section eight of an act entitled "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, and approved, ratified and adopted by the people of the State of California at the general election held in the month of November, 1910, A. D., is hereby amended to read as follows:

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

Highway permanent in character

Department of engineering may acquire rights of way, quarries, etc.

and to do all other things necessary or proper in the construction and maintenance of said state highway. With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act, all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; *provided*, nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the interest, at the rate of four per cent per annum, upon the entire sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and outstanding; *provided, however*, that in all cases where, by reason of physical difficulties to be overcome, or other good and sufficient cause, the state department of engineering shall determine that the cost of construction of any portion of such state highway in any county, or counties, is so great as to entail an unjust and inequitable burden upon any such county, or counties, in refunding to the state the sums so paid for interest upon the bonds sold and the proceeds thereof applied as aforesaid, such county, or counties, shall not be required to refund the whole amount of such interest, but only such proportion thereof as the state department of engineering shall adjudge to be fair and reasonable. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

Certain highways become right of way of state highway

Counties to pay interest

SEC. 2. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1916, 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 such excepted provisions this act shall take effect ninety days after the final adjournment of the present session of the legislature.

In effect when

SEC. 3. 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, 1916, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the amendment to the state highway act"; and in a separate line, under the same, the words "Against the amendment to 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

Act to be submitted to people

vote for or against said act and those voting for said act shall do so by placing a cross opposite the words "For the amendment to the state highway act." and all those voting against the said act shall do so by placing a cross opposite the words "Against the amendment to 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.

Results  
of election

SEC. 4. 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 created under the provisions of said state highway act, approved March 22, 1909, 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.

Publication  
of act  
before  
election

SEC. 5. 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 sixteen; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

## CHAPTER 415.

*An act authorizing any county and cities within such county to join in the acquisition, construction or maintenance of bridges or viaducts.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

Counties  
may join  
with cities  
in acquiring  
bridges, etc

SECTION 1. Any county may join with any city or cities located within such county in the acquisition, construction or maintenance of any bridge or viaduct within such county, whether such bridge or viaduct is or is to be located within or without any such city. The cost of the acquisition, construction or maintenance of any such bridge or viaduct shall be borne by such county and such city or cities in such proportion as the legislative bodies thereof respectively shall determine by resolution or ordinance and may be paid out of any funds available therefor. The authority and responsibility for the acquisition, construction or maintenance of any such

bridge or viaduct shall vest in such county or in such city as may be provided in said ordinances or resolutions apportioning the cost

CHAPTER 416.

*An act to regulate the sale of butter that has been shipped or imported into the State of California from any point or place outside of the United States, requiring the marking thereof by all persons selling or offering same for sale, and fixing penalties for the violation of the same or of any of the provisions thereof.*

[Approved May 19, 1915 In effect August 8, 1915]

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

SECTION 1. For the purposes of this act the words "person, firm, company, or corporation," shall include wholesalers, retailers, jobbers, and every place where butter that has been shipped or imported into the State of California from any point or place outside of the United States is sold or offered for sale. Definitions

SEC. 2. Every person, firm, company, or corporation who sells, offers for sale, or has in his, or their, possession for sale, or consigns, ships or presents to any dealer, commission merchant, consumer, or other person any butter that has been shipped or imported into the State of California from any point or place outside of the United States shall, before doing so, cause to be stamped, marked or printed upon the wrapper, or other container thereof in black-face letters not less than one-eighth of an inch in height the word "imported." Butter from outside U S to be marked "imported"

SEC 3. Every person, firm, company, or corporation selling or offering for sale any butter that has been shipped or imported into the State of California from any point or place outside of the United States, shall display in a conspicuous place in his or their public salesroom a sign, which shall be not less than one foot in height and two feet in length, bearing the words "imported butter sold here" in black-face letters not less than three inches in height and one-half inch in width upon a white ground. Sign indicating importation

SEC 4 Every person, firm, company or corporation who shall fail to comply with any of the provisions of this act, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months; or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment in the discretion of the court. Penalty for non-compliance

## CHAPTER 417.

*An act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county and city government in this state, except in certain schools, to validate certain acts, and to repeal all acts in conflict herewith.*

[Approved May 19, 1915. In effect August 8, 1915.]

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

Only citi-  
zens for  
public work

Exceptions

SECTION 1. No person except a native-born or naturalized citizen of the United States, shall be employed in any department of the state, county, city and county or city government in this state; *provided, however*, that nothing herein contained shall prohibit the employment as a member of the faculty or teaching force in public schools of this state, nor in schools supported in whole or in part by the state, of any person who has declared his intention to become a citizen of the United States, nor of any native-born woman of the United States who has married a foreigner, *and provided, further*, that the prohibitions of this act shall not apply to any member of the faculty or teaching force of any college or university supported in whole or in part by the state, nor to any specialist or expert temporarily employed by any department of the state, or any county, city and county or city and engaged in special investigation.

Unlawful to  
employ  
persons  
other than  
citizens.

SEC 2. It shall be unlawful for any person, whether elected, appointed or commissioned to fill any office in either the state, county, city and county or city government of this state, or in any department thereof, to appoint or employ any person to perform any duties whatsoever, unless such person so appointed or employed be a native-born or naturalized citizen of the United States, subject nevertheless, to the exceptions contained in section one of this act.

No payment  
for persons  
other than  
citizens.

SEC. 3. No money shall be paid out of the state treasury or out of the treasury of any county, or city and county or city, to any person employed in any of the offices mentioned in section two of this act unless such person shall be a native-born or naturalized citizen of the United States, subject to the exceptions contained in section one of this act.

Term  
defined

SEC. 4. As used in this act the term "person who has declared his intention to become a citizen" shall not include any person who fails to secure his certificate of naturalization within six months after the time that he is entitled by law to secure the same

Previous  
payments  
validated

SEC. 5. No action shall be authorized or maintained for the recovery of money heretofore paid to any member of the faculty or teaching force of any public school of this state, or any school, college or university supported in whole or in part by the state, and all payments so made are hereby approved and declared valid.

SEC. 6. An act entitled, "An act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this state," approved March 23, 1901, is hereby repealed and all other acts or parts of acts in conflict with this act are hereby repealed. Repealed

CHAPTER 418.

*An act to amend section thirty-eight hundred five b of the Political Code, relating to the correction and cancellation of assessments, sales to the state, certificates of sale, or tax deeds to the state.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section thirty-eight hundred five *b* of the Political Code is hereby amended to read as follows:

3805b. When real property has been correctly assessed and sold to the state for delinquent state and county taxes, any misstatement of facts or clerical errors occurring or appearing in the certificate of sale, or in the deed issued thereon, may be corrected by the tax collector, or his successor in office, upon an order of the board of supervisors, entered upon its minutes directing correction, by the issuance of a new or amended certificate of sale, or tax deed, when it can be determined by the assessment and subsequent proceedings what was originally intended. When a new or amended certificate of sale or tax deed is issued under these provisions, such certificate or deed shall be in letters and figures, as far as practicable, the same as the original, excepting as to the correction of the error or omission, and shall also contain a statement giving reasons for the issuance of the new or amended certificate of sale or deed. The provision herein relative to correction of errors in certificates of sale and deeds shall apply only to all sales of property heretofore or hereafter made wherein the state was or is the purchaser. When any assessment, sale to the state, certificate of sale or deed to the state is cancelled under this or the preceding two sections, the clerk of the board of supervisors shall immediately notify the controller of such cancellation. Correction of mis-statement of facts  
Amended certificate  
Applicable only when state is purchaser

## CHAPTER 419.

*An act to amend an act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may be now or hereafter invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, by amending section four of said act.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

SECTION 1. Section four of the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may be now or hereafter invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, is hereby amended to read as follows:

Certification  
of irrigation  
bonds

Sec. 4. Whenever any bond of an irrigation district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section 3 of this act shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Form

Sacramento, Cal., (insert date).

I, \_\_\_\_\_, controller of the State of California, do hereby certify that the within bond, No. \_\_\_\_\_ of issue No. \_\_\_\_\_ of the \_\_\_\_\_ irrigation district, issued \_\_\_\_\_ (insert date), is, in accordance with an act of the legislature of California approved \_\_\_\_\_, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney general and the superintendent of banks of the State of California in pursuance of said act. The within bond

may also, according to the constitution of the State of California, be used as security for the deposit of public money in banks in said state.

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 Controller of State of California.

In case of a change in the constitution or any of the laws of this state relating to the bonds of irrigation districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

A facsimile of the controller's signature, printed or otherwise, impressed upon said certificate shall be a sufficient signing thereof; *provided*, that the imprint of the controller's seal thereon shall appear upon both the certificate and the bond over and through the printed signature.

Facsimile  
signature  
sufficient

-----  
 CHAPTER 420.

*An act to amend section two thousand ninety-nine of the Political Code, relating to the relief of officers and enlisted men of the national guard of California who may be wounded, injured, disabled or killed while in the service of the state.*

[Approved May 20, 1915 In effect August 8, 1915.]

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

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

Sec. 2099. In all cases in which any officer or enlisted man of the national guard of the State of California shall be wounded, injured, disabled or killed while in the service of the state, such officer or enlisted man, or the dependents of such officer or enlisted man, shall be entitled to receive compensation from the State of California, in accordance with the provisions of an act entitled, "An act to promote the general welfare of the people of this state as affected by accident causing the injury or death of employees in the course of their employment, by creating a liability on the part of employers to compensate such employees and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a 'state compensation insurance fund' to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating

Compensa-  
tion for  
disabled  
members of  
national  
guard

an industrial accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 26, 1913.

Deemed  
employee  
of state.

Basis of  
compen-  
sation.

In all such cases, such officer or enlisted man shall be held and deemed to be an employee of the State of California. The compensation to be awarded to any such officer or enlisted man, or to the dependents of any such officer or enlisted man, shall be ascertained, determined and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death, or the commencement of such disability; *provided, however*, that such compensation shall in no case exceed the maximum prescribed in said act approved May 26, 1913.

#### CHAPTER 421.

*An act making an appropriation to pay the claim of Mater Misericordiae Hospital, a corporation, against the State of California.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

Appropriation claim,  
Mater  
Misericordiae  
Hospital.

SECTION 1. The sum of thirteen hundred seventy and seventy-five hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Mater Misericordiae Hospital, a corporation, against the State of California.

#### CHAPTER 422.

*An act to amend section four thousand two hundred ninety-five of the Political Code, relating to official services and fees.*

[Approved May 20, 1915. In effect August 8, 1915.]

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

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

Prepayment  
of fees for  
official  
services.

4295. State, county, and township officers shall not in any case except in proceedings upon habeas corpus perform any official services unless upon the prepayment of such fees as are prescribed by law for the performance of such services; *provided, however*, that the state or any county, city, or city and county, or any public officer, or board, or body acting in his

or its official capacity on behalf of the state, or any county, city or city and county, shall not be required to pay or deposit any fee for the filing of any document or paper or for the performance of any official service. Upon the payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do such officer shall be liable on his official bond

CHAPTER 423.

*An act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.*

[Approved May 20, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven hundred ninety-one of the Political Code is hereby amended to read as follows:

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in counties of the second class the number shall not exceed one hundred and twenty.

Notaries public  
In counties of 2d class

CHAPTER 424.

*An act to amend section one thousand four hundred sixty-five a of the Code of Civil Procedure of the State of California, relative to notices of petitions to set aside exempt property for use of family.*

[Approved May 20, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section fourteen hundred sixty-five a of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1465a. When the petition mentioned in the preceding section is filed the clerk of the court must set the petition for hearing by the court and give notice thereof by causing notices to be posted in at least three public places in the county, one of which must be at the place where the court is held, containing the name of the decedent, the name of the petitioner, the nature of the application, and the time at which the same will be heard. Such notice must be given at least ten days before the hearing, and a copy thereof must be mailed at least ten days before the day appointed for the hearing to the executor or administrator, if he be not the petitioner, and to any person

Notice of hearing  
To whom sent.

named as co-executor or co-administrator not petitioning, and upon the attorney of any person who has appeared or given notice of appearance (by an attorney) in the estate as heir, legatee, devisee, next of kin, or creditor, or as otherwise interested, addressed to them at their places of residence, or office, if known, and if not known, then to the county seat of the county where the proceedings are pending. Proof of such posting and mailing must be made at the hearing.

## CHAPTER 425.

*An act to amend section six hundred twenty-nine of the Penal Code, relative to the placing and maintaining of screens over the inlets of pipes, flumes, ditches, canals and mill races, taking water from any river, creek, stream or lake in which fish have been placed or may exist.*

[Approved May 21, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-nine of the Penal Code of the State of California is hereby amended to read as follows:

Fish screens  
over ditch  
inlets

629. Any person, company, or corporation, owning in whole or in part, or leasing, operating, or having in charge, any mill race, irrigating ditch, pipe, flume, or canal, taking or receiving its waters from any river, creek, stream, or lake, in which fish have been placed, or may exist, shall put, or cause to be placed and maintained, at such point on said mill race, irrigating ditch, pipe, flume, or canal, as the state board of fish commissioners shall direct, a screen of such construction, fineness, strength and quality, as will prevent fish from passing through such mill race, irrigating ditch, pipe, flume, or canal, and away from the river, creek, stream, or lake, from which said mill race, irrigating ditch, pipe, flume, or canal conducts the waters.

Investigation  
as to neces-  
sity of  
screens.

After making any order to place and maintain such screen the state board of fish commissioners shall when requested by the owners or parties in charge fix a time and place in the county in which the intake of such mill race, irrigating ditch, pipe, flume, or canal, is situated, for the taking of evidence upon the question of the necessity of placing and maintaining such screen, and cause notices in writing of such time and place to be served upon the owners or persons in charge of such pipe, flume, ditch, canal, or mill race, at least ten days before the day set for the hearing, and at such time and place testimony under oath shall be taken both on the part of the state board of fish commissioners, and the owners or persons in charge of such pipe, flume, ditch, canal, or mill race, if such owner or person in charge appear and offer evidence, and thereupon the state board of fish commissioners

from the evidence offered shall determine whether or not the necessity for the placing and maintaining of a screen on such pipe, flume, ditch, canal, or mill race is shown, and if shown to be required and necessary, said state board of fish commissioners may direct and order the placing and maintaining on such pipe, flume, ditch, canal, or mill race, of a screen of such construction and fineness, strength and quality, as will prevent fish from passing through such mill race, irrigating ditch, pipe, flume, or canal, and away from the river, creek, stream, or lake, from which said mill race, irrigating ditch, pipe, flume, or canal, conducts the waters, such order to also fix the point where the screen is to be placed and maintained, and a certified copy of such order to be served upon the owners or parties in charge of such mill race, irrigating ditch, pipe, flume, or canal.

The evidence in any investigation, inquiry or hearing, provided by this section, may be taken by any of the members of the board of fish and game commissioners, or such deputy fish and game commissioner, or employee, as the board may designate to take such evidence, and each member of the board and any of its deputies or employees designated to take evidence at the hearing provided hereby shall have the power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearings. Each witness, legally subpoenaed, attending at a hearing, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed.

E. King of evidence

Witness fees

The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held under authority of this section shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, as required by any subpoena issued under authority of this section. The commission or representative of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or its representative, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission or its representative. The court, upon the petition of the commission or its representative, shall enter an order directing the

Attendance of witnesses.

witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representative. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representative, the court shall thereupon enter an order that said witness appear before the commission or its representative at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Deposition  
of wit-  
nesses.

The commission or its representative or any party may, in any investigation or hearing before the commission or its representative, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of documents and papers.

Penalty  
for refusing  
to maintain  
screen.

Any person, company, or corporation, neglecting or refusing to put up or maintain the screen ordered by the state board of fish commissioners, after its order shall have become final, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars, or imprisonment in the county jail of the county in which the conviction shall be had of not less than ten days, or by both such fine and imprisonment, any fines collected over and above the costs of the proceedings, to be paid into the state treasury to the credit of the "fish commission fund"; *and provided*, that the continuance from day to day of the neglect or refusal to install and maintain such screen after the same is finally ordered shall constitute a separate offense for each day.

## CHAPTER 426.

*An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

License  
required to  
practice  
dentistry.

SECTION 1. It shall be unlawful for any person to engage in the practice of dentistry in the State of California unless such person shall have obtained a license from the board of dental examiners of the State of California, as hereinafter provided, except that the license of any dentist, existing at the time of the passage of this act shall continue in force until

forfeited in the manner hereinafter provided and the annual tax paid by any such dentist under the terms of the laws of the State of California existing at the time of the passage of this act shall keep such license in force until the expiration of the time for which the same was paid, and thereafter the holder of such license shall be subject to the annual tax in this act provided. Nothing herein contained shall be construed to exempt from the payment of the annual tax any person authorized to practice dentistry in the State of California, and every person practicing dentistry in this state shall, irrespective of the time when he was licensed or first had the right to lawfully practice dentistry in this state or elsewhere, pay an annual tax of two dollars as hereinafter provided.

SEC. 2. A board of dental examiners to consist of seven practicing dentists is hereby created, to be known as the board of dental examiners of California, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of this board shall be appointed by the governor of California, all of whom shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment, and none of whom shall be members of the faculty of any dental college or dental department of any medical college in the State of California, or shall have any financial interest in any such college. The term for which the members of said board shall hold office shall be four years and until their successors are duly appointed and qualified. Their terms of office shall be so classified that the terms of not more than two members shall expire in any one year. The present members of the board of dental examiners of California appointed under the provisions of the laws of this state in force at the time that this law takes effect shall continue to serve and act as members of the said board, but under the provisions of this act, during their respective terms or until their successors are appointed and qualified. Vacancies occurring in the board of dental examiners shall be filled by appointment by the governor, within thirty days after such vacancy occurs. The governor shall have the power to remove from office at any time any member of the board for continued neglect of duty required by this act, or for incompetency, unprofessional or dishonorable conduct.

Board of dental examiners created

Term of office

Vacancies

SEC. 3. It shall be the power and duty of said board to elect from its membership a president, vice-president and a secretary. The secretary shall receive such compensation as may be fixed by the board, which shall be in addition to his per diem as a member of the board, and all necessary traveling expenses incurred in connection with the performance of the duties of his office. The board shall meet regularly at least twice a year, at such time and place as the board may designate, for the purpose of transacting its business, and special meetings may be held at such other times as the board may elect, or on the call of the president of the board, or of not less

President

Secretary

Meetings.

than four members thereof. A written notice of the time, place and object of such special meeting shall be mailed by said secretary to all the members not parties to the call, at least fifteen days before the day of meeting. Meetings may be held at any time and place and without notice by unanimous consent evidenced either by writing or by the presence of any member whose consent is necessary. The said board shall examine all applicants for license to practice dentistry according to the provisions of this act and issue licenses to practice dentistry in this state to such applicants as successfully pass the examination of the board and otherwise comply with the provisions of this act; collect and apply all fees as directed by this act; keep a book showing the names of all persons to whom licenses have been granted by said board to practice dentistry, and such other books as may be necessary to plainly show all the acts and proceedings of said board; to have and use a seal bearing the name "Board of Dental Examiners of California." The board shall make an annual report of its proceedings to the governor of California by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by it, pursuant to this act. The board shall have power to adopt rules concerning its meetings and the holding of examinations and the manner of issuance and reissuance of licenses not inconsistent with the provisions of this act. Four members of said board shall constitute a quorum for the transaction of business at any meeting of the board. Each member of the board shall, upon his qualification, file with the secretary his post office address, and thereafter any notice of any change thereof. Any notice mailed to the address so on file, shall be deemed to comply with the requirements of this act as to notice to such member of the board.

Examination  
of  
applicants

Annual  
report.

Quorum

Books,  
public  
records.

SEC. 4. All books of said board shall be of public record and at all times during business hours open to public inspection, and a copy of any part or all thereof duly certified by the secretary of said board shall be primary evidence in any court of this state. The original books, records and papers of the board shall be kept at the office of the secretary of said board which office shall be at such place as may be designated by the board. Said secretary shall furnish to any person making application therefor a copy of any part thereof, certified by him as such secretary, upon payment of a fee of twenty-five cents per hundred words so copied, the said fee to be deposited in the state treasury to the credit of the board. The examination papers of any applicant shall be kept for the period of one year and may then be destroyed, but such examination papers shall be open to inspection only by members of the board and by such applicant or by some one appointed by the latter to inspect the same, or by a court of competent jurisdiction in a proceeding where the question of the contents of such paper is properly involved.

Examination  
papers kept  
one year

Compensa-  
tion.

SEC. 5 Each member of the board shall receive a per diem of ten dollars as compensation for each day spent in actual

attendance at meetings of the board and at committee meetings of the members of the board, when such meetings shall be specially authorized by the board, and for each day actually spent performing necessary work in connection with the enforcement of this act, together with his necessary traveling expenses

SEC. 6. Any person over twenty-one years of age shall be eligible to take an examination before the board of dental examiners of California, upon making application therefor and upon (1) paying a fee of twenty-five dollars; (2) furnishing satisfactory testimonials of good moral character; and (3) furnishing satisfactory evidence of having graduated from a reputable dental college, which must have been approved by the board of dental examiners of California; *provided*, that after August 1, 1918, he shall also file his diploma or certificate of graduation with recommendations from a high school accredited to the University of California or any other university of equal standing; or a certificate signed by a state superintendent of public instruction, or similar officer, to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation with recommendations from a high school giving a four year course of instruction in the state from which such certificate is issued; (4) in lieu of such diploma or certificate from an accredited high school, such applicant, after said date, may and with like effect furnish to said board of dental examiners a certificate from the board of dental examiners, or similar official body, of some other state in the United States, showing that such applicant has been a duly licensed practitioner of dentistry in such other state for a period of at least five years; *provided, however*, that every person actually engaged as an apprentice to a regularly licensed dentist who has practiced in the State of California for ten years or more shall be eligible for examination, if, within thirty (30) days after the passage of this act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination, shall show to the satisfaction of the board that he has served an apprenticeship of at least five (5) years and is a graduate from a high school or similar institution of learning in this or some other state of the United States requiring a three (3) years' course of study; *and provided*, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than December 30, 1915.

Eligibility  
to take  
examination

Apprentices

SEC. 7 The examination by the board of applicants for license to practice dentistry in this state shall be sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on the following subjects: Anatomy, histology, physiology, anesthesia, materia medica, pathology, bacteriology, therapeutics, oral surgery, chemistry, metallurgy, operative dentistry, prosthetic dentistry and orthodontia; the

Examina-  
tions

answers to which shall be written in the English language. Said written examination may be supplemented by an oral examination. Demonstrations of the applicant's skill in operative and prosthetic dentistry must also be given. All persons successfully passing such examination shall be registered as licensed dentists on the board register, as provided in section three, and shall be granted by the board a license to practice dentistry in the State of California. When a candidate for a license shall have received a grading of eighty-five per cent or above in any given subject, he shall be exempt from re-examination on that subject in subsequent examinations before the said board held at the first or second meeting thereafter. Any member of the board may inquire of any applicant for examination concerning his character, qualifications or experience and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer.

Dentists  
already  
licensed to  
register

SEC. 8. Every person licensed to practice dentistry in this state within six months prior to the passage of this act whose license is not at the time of such passage registered under the provisions of the law under which the same was issued shall register the same as herein provided within six (6) months after this act becomes effective. Every person who shall hereafter be licensed to practice dentistry in this state, shall within six months thereafter register in the office of the county clerk of the county where his place of business is located (if he has no place of business in this state, then in the office of the county clerk of that county in this state wherein at the time shall be situated the office of the secretary of the board of dental examiners of California), in a book kept by the clerk for such purpose, and called a register of dentists, his name, age, office address, the date and number of his license to practice dentistry, and the date of such registration, which registration he shall be entitled to make only upon showing the county clerk his license or a copy thereof certified by the secretary of the board over its seal, and upon making and filing an affidavit stating his name, age, birthplace, the number of his license and the date of its issue, that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this statute (and the rules of the board of dental examiners as to the terms and the amount of study and examination); that no money other than the fees prescribed by this statute (and said rules), was paid directly or indirectly for such license, and that no fraud, misrepresentation or mistake in a material regard was practiced, employed or occurred by any person in order that such license should be conferred. Said person need not personally register before the county clerk but may make the said affidavit before any officer authorized by law to administer oaths, and which affidavit together with the other information and license, or the certified copy therefor as afore provided, shall be forwarded to the said county clerk, who shall act in the same manner as if the party was personally present. The

county clerk shall preserve such affidavits in a bound volume and shall issue to every licentiate duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and license may be offered as primary evidence in all courts of the facts therein stated. A copy of such certificate of registration shall be sent by the county clerk to the secretary of the board within five days after it is made. The county clerk's fees for taking such registration and affidavit and issuing such certificate of registration shall be one dollar. A practicing dentist having registered a lawful authority to practice dentistry in one county of the state and removing such practice or part thereof to another county shall show or send by registered mail to the clerk of such other county his certificate of registration, if such certificate clearly shows that the original registration was on an authority issued by the board of dental examiners, or if the certificate of registration itself is endorsed by the secretary of the board of dental examiners as entitled to registration, the clerk shall thereupon register the applicant in the register of dentists of the latter county on receipt of a fee of fifty cents, and shall stamp or indorse on such certificate of registration the date and his name preceded by the words "registered also in ----- county," and return the certificate of registration to the applicant. Any lawfully registered person who shall thereafter change his or her name according to law shall register the new name with a marginal note of the former name with the clerk of the county or counties where he or she is practicing. The clerk shall forthwith notify the secretary of the board of such change. Any county clerk who knowingly shall make or suffer to be made upon the register of dentists kept in his office any entry other than that provided for in this act, shall be liable to a penalty of fifty dollars, to be recovered by and paid to the said board of dental examiners in a suit in any court having jurisdiction. Any failure, neglect or refusal on the part of any person holding such license to register the same with the clerk of said county as above directed for a period of six months after the issuance thereof shall *ipso facto* work a forfeiture of his or her license, and it shall not be restored except upon the written application and payment to said board of twenty-five dollars. Any suspension, revocation or reinstatement of a license shall with the date thereof be forthwith noted by the county clerk on the margin of the registration thereof upon receipt of notice from the secretary of the board.

Certificate of registration.

Registration fee

Notation of change of name.

Failure to register forfeits license

SEC. 9. Before any person can practice dentistry in this state, he shall obtain a license to do so from the board of dental examiners. Each application for license shall be accompanied by a fee of twenty-five dollars, which shall in no case be refunded, except that in the case of applicants requiring examination the said fee shall be refunded if the applicant shall be found ineligible to take such examination. Such license shall remain in force until the following first day of

License to practice.

Fee

May and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual tax but not otherwise, and notwithstanding the payment of such tax such license may at any time be forfeited or revoked for a violation of the further requirements of this act. To provide a fund for the enforcement of the provisions of this act every person holding a license to practice dentistry in this state without exception shall pay an annual license tax for the year commencing with the first day of May next following the issuance of such license and annually thereafter. Such payment to be effective shall be made prior to the commencement of the year for which the same accrues and the receipt of the secretary of the board shall be indispensable evidence that the same has been made. The failure, neglect or refusal of any person who was a regularly licensed dentist to pay in advance said annual tax of two dollars during the time his or her license remained in force shall *ipso facto* work a forfeiture of his or her license, and it shall not be restored except upon a written application therefor and the payment to said board of twenty-five dollars, except that such person shall not be required to submit to any examination.

Annual  
license tax

Disposition  
of fines.

SEC. 10. All fines, penalties and forfeitures including the examination fee, imposed or collected by the board under any of the foregoing provisions of this act shall be paid to the secretary of the board. All fines and penalties imposed or collected in any court for violations of any of the provisions of this act shall be paid by such court to such secretary. The secretary shall on or before the tenth day of each month pay to the state treasury and report to the state controller all fines, penalties and forfeitures received for violations of this act, together with all examination fees, renewal and license fees received by him prior to the date of such report and payment. All funds received by the state treasurer from the secretary of said board shall be placed in a fund to be known as the state dentistry fund, which is hereby created. All disbursements by the board made in the transaction of its business and in the enforcement of this act shall be paid out of said fund upon claims to be presented and audited in the manner usual with other claims against the state: *provided*, that as to the amount of seven hundred dollars of said fund the same shall constitute a revolving fund and may be drawn upon the warrant of the president and secretary of the said board without being audited in the usual manner, in cases of emergency or where cash advances are necessary, but after the sum of seven hundred dollars has been so expended no further warrant shall be drawn on said revolving fund until expenditures previously made from said revolving fund shall be substantiated by vouchers and itemized statements and audited; *and provided, further*, that all expenditures from said revolving fund shall at the end of each fiscal year, or at any other time when demand therefor is made by the board of control or by the state controller, be so substantiated and audited unless previously done.

Disburse-  
ments

Revolving  
fund

SEC. 11. Any person shall be understood to be practicing dentistry within the meaning of this act who shall (1) by card, circular, pamphlet, newspaper, or in any other way advertise himself as a dentist, or (2) who shall, for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, perform an operation of any kind upon, or treat diseases or lesions of the human teeth or jaws, or correct mal-imposed positions thereof, or (3) in any way indicate that he will perform by himself or his agents or servants any operations upon the human teeth or jaws, or (4) make an examination of, with intent to perform or cause to be performed any operation on the human teeth or jaws, or (5) who manages or conducts as manager, proprietor, conductor, or otherwise a place where dental operations are performed; but nothing in this act contained shall prohibit bona fide students of dentistry from operating in the clinical departments or the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory or a licensed physician from practicing oral surgery.

Practicing dentistry defined.

SEC. 12. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, by imprisonment in the county jail not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred dollars nor more than one thousand five hundred dollars, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any dental degree or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of dentists; or (2) shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or (3) shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or (4) shall use, attempt or cause to be used any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license to practice dentistry, or in order to procure registration as a dentist; or (5) shall within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association, and said employees are or have been practicing dentistry, but such affidavit shall not be used in any prosecution under this section, and any person shall be guilty of a misdemeanor and punishable as in this section above provided who (1) shall assume the degree of "doctor of dental surgery" or "doctor of dental medicine," or shall append the letters "D.D.S." or "D.M.D." to his or her name not having duly conferred upon

Penalty for selling certificates, etc.

False use of "D. D. S."

him or her, by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a dental degree or license; or (2) shall in an affidavit, required of an applicant for examination, license or registration, under this act, wilfully make a false statement in a material regard; or (3) shall engage in the practice of dentistry without causing to be displayed in a conspicuous manner and in a conspicuous place in his or her office the name of each and every person employed in the practice of dentistry therein, together with the word mechanic after the name of each unlicensed person employed; or (4) is practicing dentistry in the state without a license, or whose license has been revoked or suspended, or (5) shall under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry. Nothing in this section contained shall be held to prohibit the conferring of degrees and the bestowing of diplomas, by reputable dental colleges of this state, which have been indorsed by the board of dental examiners of California.

Revocation  
of license.

SEC. 13. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:

(1) His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) The rendition of a final judgment against any such dentist in a court of competent jurisdiction upon a cause of action alleging grossly unskillful or negligent dental practice.

(3) For unprofessional conduct or for gross ignorance or inefficiency in his profession. Unprofessional conduct is hereby defined to be: The employment of persons known as cappers or steerers, to obtain business; the obtaining of any fee by fraud or misrepresentation; wilfully betraying professional secrets, employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof; aiding or abetting any unlicensed person to practice dentistry unlawfully; habitual intemperance; gross immorality; the use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry.

Proceedings  
to revoke  
license.

SEC. 14. The proceedings to revoke or suspend any license under the first subdivision hereof, must be taken by the board on the receipt of a certified copy of the record of conviction.

The proceedings under the second subdivision hereof may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem the complaint sufficient, make an order setting the same for hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the board shall find them or any of them true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the deposition of witnesses in the manner provided by law in civil cases, and to compel them to attend before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of California. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and actually examined in any proceeding properly before it. Upon the revocation of any license, the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as canceled, upon the date of its revocation. Written notice of such suspension or revocation shall be mailed by the secretary of the board to the county clerk of each county in which such license is then registered.

SEC. 15. The board of dental examiners, or any member or officer thereof, may prefer a complaint for violation of this act, or any part thereof, before any court of competent jurisdiction, and may by its officers, counsel and agents, assist in presenting the law or facts at the trial. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the aforesaid provisions of this act in their respective counties in which such violation occur.

SEC. 16. All acts and parts of acts in conflict with this act are hereby repealed.

Complaint  
for violation  
of act.

## CHAPTER 427.

*An act to amend section three hundred eighty-six of the Political Code, relating to the salary of the executive secretary of the governor.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section three hundred eighty-six of the Political Code is hereby amended to read as follows:

Salary.  
governor's  
executive  
secretary

386. The annual salary of the executive secretary of the governor is three thousand six hundred dollars.

## CHAPTER 428.

*An act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

City  
planning  
commission

SECTION 1. The city council, board of trustees, or other legislative body of any incorporated city or town in the State of California may, by ordinance, create a city planning commission for such city or town.

Membership

SEC. 2. Such city planning commission shall consist of five members, to be appointed by the mayor or other executive head of the municipality, by and with the consent of the legislative body thereof, one of which shall be a member of the legislative body of such municipality; and in addition thereto the city attorney and city engineer, if such there be, of such municipality, shall be *ex officio* full members of said commission; and *provided, further*, that the mayor or other executive head of such municipality shall also in addition thereto be an *ex officio* member of said commission but without any right of vote in the deliberation thereof except in case of a tie. The five members of the first commission so appointed hereunder shall so classify themselves by lot that one of their number shall go out of office at the end of the current calendar year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Vacancies for any unexpired term shall be filled by appointment as in the first instance. Non-residents shall be eligible to appointment on the city planning commission. Excepting the secretary hereinafter mentioned the members of the commission shall not receive any compensation for their services, but the said legislative body shall fix the amount of compensation, if any, to be paid to the secretary.

Term

Vacancies

Compensation

SEC. 3. The members of the city planning commission shall meet at least once a month at such times and places as they may fix by resolution. They shall select one of their number as president and another as secretary, and both shall serve for one year and until their successors are appointed; in case of their absence, the members of the commission shall select a president or secretary pro tem. as the case may be. Special meetings may be called at any time by the president or three members, by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting. Four members of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of its proceedings.

SEC. 4. City planning commissions shall have power, except as otherwise provided by law:

*First*—To recommend to the proper officers of the municipality plans for the regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots;

*Second*—To recommend to the proper officer of the municipality, plans, consistent with the future growth and development of the municipality in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities;

*Third*—To make recommendations to any public authorities or any corporation or individuals of such city with reference to the location of any proposed buildings, structures or works;

*Fourth*—To recommend to the proper officers of the municipality the approval or disapproval of maps or plats of subdivisions of lands. Every such map or plat shall, prior to its final approval or disapproval by the proper officers of the municipality be submitted to said commission for its recommendations thereon to such officers

*Fifth*—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act

SEC. 5. The city planning commission shall make or cause to be made, at the direction of the city council, a map or maps of the city or any portion thereof, including adjacent territory lying outside of the corporate boundaries thereof, showing the streets, highways and other natural or artificial features therein; also the locations or relocations proposed for any new public buildings, civic center, street, parkway, boulevard, park, playground, or other public ground or improvement; also any proposed widening, extension, closing, or relocation of any street or highway, or any change in the plan of the city that it may deem advisable. Said commission may, at its discretion, prepare such maps or plans as aforesaid for the purpose of making recommendations in connection therewith to the proper officers of such municipality having charge, superintendence or control of the matters set forth in such recommendations

Recommendations

It shall make suggestions or recommendations to the city council from time to time, concerning any of the matters and things aforesaid for action by the council thereon, having due regard for the present conditions and the future needs and growth of the city, including the distribution and relative location of all public buildings, grounds and open spaces devoted to public use: also the planning and laying out for urban uses of all private grounds brought into the market from time to time, and the division of the city into zones or districts for the purpose of conserving and protecting the public health, comfort and convenience.

Public buildings, playgrounds, etc.

SEC. 6. Any officer or department whose duty it is to prepare ordinances and resolutions relating to the location of any public building of the city, or location, extension, widening, enlargement, ornamentation, or parking of any street, boulevard, alley, parkway, park, playground, or other public grounds, or to the vacation of any street, or other alteration of the city plan of streets and highways, or the location of any bridge, tunnel, or subway, or of any surface, underground or elevated railway or public utility, or ordinances relating to housing, building codes or zones, shall, prior to the submission to the proper board or officer of the municipality, of the ordinance or resolution required to be adopted before such proceedings are instituted, give notice to the commission of the pendency before the officer or department of proceedings with reference to any of the above matters.

Tax levy.

SEC. 7. The city council of each municipality may, in making its annual tax levy and as a part thereof, levy and collect a tax for the purpose of defraying the lawful expenses incurred by the city planning commission of such municipality not to exceed two mills on the dollar of assessed valuation; *provided, however*, that no expense of any kind shall be incurred by the commission unless first authorized and approved by the city council.

## CHAPTER 429.

*An act to amend section one thousand two hundred forty of the Code of Civil Procedure of the State of California, relating to the private property which may be taken under title VII of part III of the Code of Civil Procedure.*

[Approved May 21, 1915. In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred forty of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1240. The private property which may be taken under this title includes:

Private property which may be taken

1. All real property belonging to any person;

2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use; *provided*, that all sixteenth and thirty-sixth sections, both surveyed and unsurveyed, owned by the state or the United States, which may now or may hereafter be included within the exterior boundaries of a national reservation, or of a reserve, or within the exterior boundaries of lands withdrawn from public entry, shall be and hereby are withheld from the operation of this title and shall not be condemned as against the state or the United States;

State Lands

3. Lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, except lands owned or held for lighthouses, post offices or other government buildings, forts, arsenals, or other military purposes; and except lands mentioned in the proviso to subdivision two hereof;

U. S. Lands

4. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; *provided*, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a county, city and county, or incorporated city or town or the use thereof by a county, city and county, incorporated city or town, irrigation or municipal water district, for the same public purpose to which it has been so appropriated, or for any other public purpose, shall be deemed more necessary uses than the public use to which such property has already been appropriated: *and provided, further*, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by a county, city and county, incorporated city or town, irrigation or municipal water district, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by such county, city and county, incorporated city or town, irrigation or municipal water district, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures, or improvements therein or thereon, so far as may be required by such common use. But property appropriated to the use of any county, city and

Property appropriated to public use.

county, incorporated city or town or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

Irrigation  
district  
property.

5. Property appropriated to any public use by any irrigation district, may be taken by another irrigation district for another public use and purpose, which is consistent with the use of such property for such existing purposes to the same extent as such property is then used; *provided*, that the right to such limited use in common shall include the right to enlarge, change or improve the property so taken; *provided, further*, that such enlargement, change or improvement shall not interfere with the original use or any necessary extension or enlargement of such use.

Public  
utility  
franchises.

6. Franchises for any public utility, and all kinds of property of any nature whatsoever used, either during the existence of or at the termination of said franchise, to supply and furnish the service of such public utility, but such franchise or property shall not be taken except for a more necessary public use.

Rights of  
way.

7. All rights of way for any and all the purposes mentioned in section one thousand two hundred thirty-eight, and any and all structures and improvements on, over, across or along such rights of way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury; no railroad main track crossing, outside the limits of any incorporated town, city or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and provided, further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one-half of the expense of such separation; *and provided, further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose;

Railroad  
crossings.

8. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

9. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney general, and surveyor general of this state. Condemnation of State property.

10. Proceedings to condemn any of said lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, are hereby authorized; and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings, the summons and a copy of the complaint must be served on the United States district attorney for the district in which the land sought to be condemned is situated and also upon the United States surveyor general for this state. Condemnation of U. S. lands

CHAPTER 430.

*An act to amend section four thousand two hundred and forty-eight of the Political Code of the State of California relating to the salaries, fees and expenses of officers in counties of the nineteenth class.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred forty-eight of the Political Code of the State of California is hereby amended to read as follows:

4248 In counties of the nineteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 19th class, salaries of officers.

1. The county clerk, four thousand five hundred dollars per annum: *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of twelve hundred dollars for such service. The said clerk may appoint one chief deputy clerk, which said office of chief deputy clerk is hereby created. The salary of such chief deputy clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. County clerk

2. The sheriff, six thousand dollars per annum. Sheriff

3. The recorder, three thousand two hundred dollars per annum. The recorder shall also be allowed one copyist to Recorder

be appointed by himself at a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as the salary of county officers is paid.

Auditor. 4. The auditor, one thousand five hundred dollars per annum.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum.

Tax collector. 6. The tax collector, three thousand dollars per annum.

Assessor. 7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One chief deputy assessor, which office is hereby created, at a salary of twenty-one hundred dollars per year; and four deputy assessors. Each of such deputy assessors shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year, the salary of such deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor. The salary of the chief deputy assessor shall be paid by the said county, in monthly installments, at the same time, manner and out of the same fund as the county assessor is paid.

District attorney. 8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, fifteen hundred dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer, which office of stenographer to the district attorney is hereby created, and such stenographer shall receive as compensation for his or her services the sum of six hundred dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as the salary of other county officers is paid.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

Administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, two thousand dollars per annum, and his actual traveling expenses when visiting schools, not to exceed ten dollars per district; *provided*, that the said superintendent of schools may appoint one deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and such deputy shall receive compensation for his or her services the sum of seven hundred twenty dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as the salary of other county officers is paid.

Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. In counties of this class the township officers shall receive the following compensation, to wit: Township  
officers

(a) In townships having a population of forty-five hundred, or more, each justice of the peace shall receive a salary of one hundred fifty dollars per month, and each constable a salary of ninety dollars per month.

(b) In townships having a population of two thousand, or more, and less than forty-five hundred, each justice of the peace shall receive a salary of sixty dollars per month, and each constable a salary of sixty dollars per month.

(c) In townships having a population of nineteen hundred twenty-five, or more, and less than two thousand, each justice of the peace shall receive a salary of forty-five dollars per month, and each constable a salary of fifty dollars per month.

(d) In townships having a population of eighteen hundred, or more, and less than nineteen hundred twenty-five, each justice of the peace shall receive a salary of thirty-two dollars and fifty cents per month, and each constable a salary of forty dollars per month.

(e) In townships having a population of seven hundred thirty, or more, and less than eighteen hundred, each justice of the peace shall receive a salary of twenty dollars per month, and each constable a salary of twenty-five dollars per month.

(f) In townships having a population of less than seven hundred thirty, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by them in civil actions.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds that county officers are paid.

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred and ten.

14. Each member of the board of supervisors, twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. Supervisors

Board of  
education.

15. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile.

Jurors.

16. In counties of this class grand jurors and trial jurors in criminal cases in the superior court shall each receive for each day's attendance the sum of three dollars, and the mileage allowed by law.

17. Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen hereof shall become operative as soon as this act takes effect and shall apply to incumbents in office.

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### CHAPTER 431.

*An act to amend section six hundred thirty-two and to repeal section six hundred thirty-two and one-half of the Penal Code of the State of California, relating to the protection of fish.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section six hundred thirty-two of the Penal Code of the State of California is hereby amended to read as follows:

Protection  
of trout

632. Every person who, at any time, buys, sells, offers or exposes for sale any trout less than twelve inches in length, or who takes, catches, kills or has in his possession during any one calendar day more than fifty trout or ten pounds and one fish or one fish weighing ten pounds and over, or who takes, catches, kills or has in his possession any trout taken except with hook and line and in the manner commonly known as angling is guilty of a misdemeanor. Any person who, in fish and game districts one, four, five, six, seven, eight, nine, nineteen, twenty-one, twenty-four, twenty-six, twenty-eight and twenty-nine, between the first day of December and the thirtieth day of April inclusive, of the year following buys, sells, offers for sale, takes, catches, kills or has in his possession any variety of trout or whitefish is guilty of a misdemeanor. Every person who, in fish and game districts two, three, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-five and twenty-seven between the first day of November and the thirtieth day of April, inclusive, of the year following, buys, sells, offers for sale, takes, catches, kills or has in his possession any variety of trout is guilty of a misdemeanor. Every person who, in fish and game district twenty-three, between the first day of November and the thirty-first day of May, inclusive, of the year following, takes, catches, kills or has in his possession any variety of trout or whitefish is guilty of a misdemeanor; *provided*, that it shall be lawful in fish and game district twenty-three to take, ship, buy, sell

or offer for sale or have in possession in one calendar day, twenty trout, irrespective of weight, of the species *Salmo mykiss henshawii* or *Salmo tahocensis* (also known as *Salmo regalis*), both species commonly known as cutthroat, Tahoe trout or black-spotted trout; and it shall be lawful to have in possession and to sell, twenty such trout in fish and game district one; *provided, further*, that it shall be unlawful for any person, between the first day of November and the thirty-first day of July, inclusive, of the year following, to take, catch or kill any trout within five hundred feet of the mouth of any stream flowing into any lake, or to take, catch or kill any trout in any stream flowing into any lake within two miles, extending from its mouth toward its source, in fish and game district twenty-three; or to buy, sell, offer for sale or have in his possession any trout so taken; *provided, further*, that nothing in this section shall prohibit the taking of trout by means of spear or hook and line, in fish and game district two between the fifteenth day of December and the fourteenth day of February of the year following, both dates inclusive, but not more than two trout, irrespective of weight, may be taken during any one calendar day; *provided, further*, that nothing in this section shall prohibit the taking of steelhead trout by means of nets in fish and game districts five, six, seven, eight and nine, in such quantities, at such times and in such manner, as is provided for the taking of salmon in those districts; nor the sale of such trout within the state, when the same shall be offered for sale according to regulations to be prescribed by the fish and game commission. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section six hundred thirty-two and one-half of the Penal Code is hereby repealed. Repealed

CHAPTER 432.

*An act to amend section six hundred thirty-four of the Penal Code of the State of California, relating to the protection of fish.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred thirty-four of the Penal Code of the State of California is hereby amended to read as follows:

634. Sec. 1. Every person, who, between the twenty-fifth day of September and the fourteenth day of November, inclusive, of any year, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon; and any person, who, between the twenty-fifth day of September and the fourteenth day of November, inclusive, of any year, takes, Protection of salmon

Protection  
of salmon.

catches, kills or has in his possession, more than three fresh salmon in any one calendar day; or any person who takes any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor; every person who buys, sells, offers or exposes for sale any fresh salmon between the twenty-fifth day of September and the fourteenth day of November, inclusive, of any year, is guilty of a misdemeanor; *provided*, that every person who, in fish and game district twelve *a* between the fifteenth day of May and the thirty-first day of December, inclusive, of any year, takes, catches or kills any salmon except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," is guilty of a misdemeanor; *provided, further*, that any person who, in fish and game district five, at any time between the first day of December and the thirtieth day of September, inclusive, of the year following, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon; and every person in fish and game district five, who, between the first day of December and the thirtieth day of September, inclusive, of the year following, takes any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length is guilty of a misdemeanor; *provided, further*, that every person who, in fish and game districts seven, eight and nine, at any time between the eighth day of December and the sixth day of October, inclusive, of the year following, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches or kills any salmon, is guilty of a misdemeanor, and every person who, in fish and game districts seven, eight and nine, takes any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, is guilty of a misdemeanor; *provided, further*, that every person who, in fish and game district six, between the first day of November and the fourteenth day of June, inclusive, of the year following, and between the sixth day of September and the nineteenth day of September, inclusive, of any year, except with spear or hook and line, said hook and line to be used in the manner commonly known as "angling," takes, catches, or kills any salmon, or who uses any net for the purpose of taking salmon, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length; or who, in fish and game district six, uses any net for the purpose of catching salmon or steelhead, in the daytime, between the hours of six a.m. and seven thirty p.m., between the first day of August and the fifth day of September, inclusive, of any year, is guilty of a misdemeanor; *provided, further*, that every person who, in fish and game district fifteen, from the first day

of September to the fourteenth day of April, inclusive, of the year following, takes or kills any salmon in any manner, is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the possession, purchase, sale or shipment of any salmon lawfully taken in the waters of this state or of any Dolly Varden trout taken without the state, or of any salmon, other than Quinнат salmon, taken without the state, when the same shall be accompanied by an invoice in duplicate showing the name and address of the consignor and consignee and bearing, after inspection, such evidence of having been so caught or taken as shall be required by the fish and game commission; and the cost of such inspection and marking must be paid by the person or persons submitting such salmon or Dolly Varden trout for inspection and marking.

Sec. 2. Every person who buys, sells, or offers for sale, any Quinнат salmon of less than five pounds in weight; every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for the purpose of taking or catching any salmon, at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, in the waters of this state, is guilty of a misdemeanor.

Sec. 3. Nothing in this section shall prohibit the taking of steelhead trout in districts five, six, seven, eight and nine at such times and in such manner as is allowed for the taking of salmon by this act. Nothing in this section shall prevent the United States bureau of fisheries, or the fish and game commission of this state, from taking at all times and in any manner such fish as they may deem necessary for the purpose of artificial hatching.

Sec. 4. For the purpose of this act and all acts relating thereto, a salmon is any fish of the salmon family belonging to the genus *Oncorhynchus*, and a steelhead is the trout variously known as steelhead salmon, salmon trout, *Salmo gairdneri* or *Salmo gairdneri*.

Sec. 5. Any violation of any of the provisions of this section shall be punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail, in the county in which the conviction shall be had, of not less than fifty days, nor more than six months, or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

## CHAPTER 433.

*An act to amend sections one thousand nine hundred and ninety-nine, two thousand, two thousand and one, two thousand and two and two thousand and three of the Civil Code of the State of California, relating to employecs.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand nine hundred and ninety-nine of the Civil Code of the State of California is hereby amended to read as follows:

Terms of  
employment.

1999. An employment, having no specified term, may be terminated at the will of either party, on notice to the other. Employment for a specified term shall mean an employment for a period greater than one month.

SEC. 2. Section two thousand of the Civil Code of the State of California is hereby amended to read as follows:

Termination  
by employer

2000. An employment, for a specified term, may be terminated at any time by the employer, in case of any wilful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

SEC. 3. Section two thousand and one of the Civil Code of the State of California is hereby amended to read as follows:

Termination  
by employee

2001. An employment, for a specified term, may be terminated by the employee at any time, in case of any wilful or permanent breach of the obligations of his employer to him as an employee.

SEC. 4. Section two thousand and two of the Civil Code of the State of California is hereby amended to read as follows:

Compensa-  
tion due on  
dismissal

2002. An employee who is not employed for a specified term, dismissed by his employer, is entitled to compensation for services rendered up to the time of such dismissal.

SEC. 5. Section two thousand and three of the Civil Code of the State of California is hereby amended to read as follows:

Compensa-  
tion due on  
quitting

2003. An employee who is not employed for a specified term and who quits the service of his employer, is entitled to compensation for services rendered up to the time of such quitting.

CHAPTER 434.

*An act to amend section three hundred ninety-four of the Code of Civil Procedure of the State of California, relating to the place of trial of actions.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section three hundred ninety-four of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

394. An action or proceeding against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action or proceeding is brought by a county, or city and county, in which case it may be tried in any county, or city and county, not a party thereto. Whenever an action or proceeding is brought by a county, city and county, or city, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, and other than that in which the defendant resides or is doing business or is situated. Whenever an action or proceeding is brought against a county, city and county, or city, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city is situated, and other than the defendant county, or city and county, or county in which such defendant city is situated. In any action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. This section shall apply to actions or proceedings now pending or hereafter brought.

Place of trial of actions, city or county a party.

## CHAPTER 435.

*An act to amend section seven hundred eighteen of the Political Code, relating to employeess of the superintendent of the capitol building and grounds, prescribing their duties and fixing their salaries and appropriating money for the purpose of carrying out the provisions hereof not otherwise provided for by law*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven hundred eighteen of the Political Code is hereby amended to read as follows:

Employees  
of superin-  
tendent of  
capitol  
building and  
grounds

718. The superintendent of capitol building and grounds may appoint one head gardener at an annual salary of eighteen hundred dollars. He may appoint seven special policemen for the building and grounds at annual salaries of thirteen hundred and twenty dollars each, who shall have the power of peace officers, and the same power of arrest as is herein given to the superintendent. None of said policemen shall be required to work more than six days in any one week. He may appoint one clerk for his office at an annual salary of eighteen hundred dollars, who shall be a civil executive officer; one head porter for the building at an annual salary of twelve hundred dollars; one typewriter expert at an annual salary of twelve hundred dollars. He may appoint one engineer at an annual salary of eighteen hundred dollars; one fireman at an annual salary of twelve hundred and sixty dollars; one electrician at an annual salary of eighteen hundred dollars; *provided, however,* that the superintendent is hereby empowered to employ an additional electrician for emergency purposes. The superintendent may also appoint two elevator attendants at an annual salary of ten hundred and eighty dollars each; three telephone exchange operators at an annual salary of nine hundred dollars each. He may appoint to serve from January first until May first in each legislative year one engineer at a monthly salary of one hundred and fifty dollars; one fireman at a monthly salary of one hundred and five dollars; one electrician at a monthly salary of one hundred and fifty dollars; two elevator attendants at a monthly salary of ninety dollars each; one telephone exchange operator at a monthly salary of seventy-five dollars; ten porters at a monthly salary of ninety dollars each. He may also appoint one telephone exchange operator at a monthly salary of seventy-five dollars to serve six weeks each year while the legislature is not in session. The salaries of all such appointees shall be paid at the same time and in the same manner as other state officers.

CHAPTER 436.

*An act to amend section thirty-three hundred sixty-six of the Political Code, relative to the powers of boards of supervisors, city councils and town trustees, in their respective counties, cities and towns to impose a license tax.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section thirty-three hundred sixty-six of the Political Code is hereby amended to read as follows:

3366. Boards of supervisors of the counties of the state and the legislative bodies of the incorporated cities and towns therein, shall, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, have power to license all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States or confederate states who has served in the Civil war, any Indian war, the Spanish-American war, any Philippine insurrection or in the Chinese relief expedition, who is physically unable to obtain a livelihood by manual labor, and who shall be a qualified elector of the State of California, shall have the right to hawk, peddle, and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

Power to  
impose  
business  
license tax

SEC. 2. This act shall not be deemed to repeal any act vesting municipal corporations with power to license for revenue purposes.

## CHAPTER 437.

*An act to increase the number of judges of the superior court of the State of California, in and for the county of Stanislaus, to provide for the appointment of an additional judge and for his compensation.*

[Approved May 21, 1915. In effect August 8 1915.]

*The people of the State of California do enact as follows:*

Superior  
judges in  
Stanislaus  
county.

SECTION 1. The number of judges of the State of California, in and for the county of Stanislaus, is hereby increased from one to two

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of Stanislaus, who shall hold office until the first Monday after the first day of January, A. D. nineteen hundred and seventeen. At the next general election to be held in November, nineteen hundred and sixteen, one judge of said court, in addition to the present number provided by law for said county, shall be elected in said county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

SEC. 3 The salary of said one additional judge shall be the same in amount, and shall be paid at the same time and in the same manner as the salary of the other judge of the said superior court now authorized by law.

## CHAPTER 438.

*An act granting to the city of Eureka tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Eureka, and regulating the management, use and control thereof.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Tide lands  
granted  
Eureka

SECTION 1. There is hereby granted to the city of Eureka, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tide and submerged lands, whether filled or unfilled, situate in the county of Humboldt, State of California, and described as follows, to wit:

Boundaries

Beginning at the corner common to sections 14, 15, 22 and 23, T. 5 N., R. 1 W., II. M.; thence north between sections 14 and 15, T. 5 N., R. 1 W., H. M. 1,167 24 feet to the United States bulkhead line (established by the United States government for the harbor lines of Humboldt bay) said bulkhead

line being the south line of Arcata channel; thence along said United States bulkhead line N. 68° 37' 20" E. 251.37 feet; N. 62° 49' 05" E. 563.05 feet; N. 54° 30' 36" E. 1,559.20 feet to the end of said bulkhead line as established at present; thence continuing along the low water line of Humboldt bay or the south margin of the Arcata channel N. 57° 54' 36" E. 2,146.31 feet; thence leaving said south margin of Arcata channel and run S 27° 49' 46" E. 2,090.27 feet; thence S 67° 16' W 2,580.85 feet to the end of the present bulkhead line as established along the north margin of Eureka channel by the United States government; thence along said United States government bulkhead line above mentioned S. 65° 02' 57" W. 2,669.85 feet to the section line running between sections 22 and 23, T. 5 N., R. 1 W., H. M.; thence north along said section line 411.35 feet to the point of beginning, containing 189.10 acres: *provided*, that all that portion of land within the above described property conforming to the following description, to wit: All that portion of Woodley island lying east of the section line between sections 14 and 15 and 22 and 23 T. 5 N., R. 1 W., H. M., and claimed by Carson, Ohman and Elsemore, consisting of 14.8 acres, and all that portion of Daby island within the above-mentioned description claimed by Thomas Bair, consisting of 181 acres, shall be excluded from this conveyance, leaving thereby subject to this grant a net acreage of 156.2 acres.

Said lands shall be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon,

Purposes for which held.

Maximum term of lease.

and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands within the boundaries of the city of Eureka, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Persons  
now in  
possession.

Quitclaim  
to city.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted.

State's right  
to use docks.

The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

No discrim-  
ination in  
rates

No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section.

Right to fish.

There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

CHAPTER 439.

*An act to amend section six hundred forty-two of the Political Code of the State of California, relating to the fish and game commissioners and their assistants and employees, and prescribing their duties and powers.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section six hundred forty-two of the Political Code of the State of California is hereby amended to read as follows:

642. It is the duty of the fish and game commissioners:

1. To see that the laws for the protection and preservation of wild mammals, wild birds, fishes, mollusks, crustacea, and all other forms of aquatic animals and plants are strictly enforced, and for that purpose they may, from time to time, employ such assistants as they shall consider necessary, which persons so appointed as assistants shall be public officers and shall have all the powers and authority of sheriffs and other peace officers to make arrests for violations of such laws and to serve all processes and notices, throughout the state. The fish and game commissioners, or their regular salaried deputies or assistants, shall inspect all buildings, other than dwellings, and all receptacles, other than the clothing actually worn by a person at the time of inspection, where game or fish may be stored or placed, and all boxes and packages containing fish or game that are held for transportation by any transportation company or common carrier, and it shall be the duty of the fish and game commissioners, or their regular salaried deputies or assistants, to inspect regularly all boats, markets, stores, and other buildings, except dwellings, where game or fish is held for sale or storage, and all boxes and packages containing fish or game that are held for transportation by any transportation company or common carrier

Duties of fish and game commissioners

2. The fish and game commissioners, or their assistants, shall seize and take possession of all game or fish, or any part thereof, which has been caught, taken, killed or had in possession, or held under control, or sold or offered for sale, or shipped or offered for shipment contrary to any of the laws of this state, and all such game or fish, or any part thereof, which may be so seized and taken possession of by the fish and game commissioners, or their assistants, shall be donated by them to some charitable or public institution, or shall be otherwise disposed of, as may be ordered by the court having jurisdiction.

Fish, etc., seized to be donated to charitable institutions.

3 To establish and maintain fish-breederics for stocking the waters of this state with foreign and native fish.

4 To purchase and import spawn or ova of fish suitable for food.

5. To stock with such spawn the waters of this state.

6. To employ persons skilled in fish and game breeding to assist them in their duties.

7. To furnish plans for and to direct and compel the construction and repair of fish ladders and ways upon dams and obstructions.

Importation  
of game  
birds, etc.

8. To provide for the importation of game birds and animals and for the propagation, distribution and protection of imported or domestic game birds or animals, and for that purpose to acquire, by lease or otherwise, such land as may be deemed necessary for the purpose of establishing state game farms, and to distribute the output of such game farm or farms on public lands, or where, in the judgment of the fish and game commissioners, such birds or animals will receive adequate protection and be most likely to thrive and multiply.

Report.

9. To report biennially to the governor a statement of all their transactions and disbursements.

#### CHAPTER 440.

*An act to amend an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire the property of the State of California located on the waterfront of San Francisco, California," approved March 25, 1901, and all acts or parts of acts amendatory thereof, by amending section two thereof, said amendment relating to the aggregate amount of such insurance and the cost thereof.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section two of an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire the property of the State of California located on the waterfront of San Francisco, California," approved March 25, 1901, and all acts or parts of acts amendatory thereof, is hereby amended to read as follows:

Placing of  
San Francisco  
harbor  
fire  
insurance.

Sec. 2. This insurance is to be effected and distributed at the discretion and under the direction of the board of state harbor commissioners. The aggregate amount of such fire insurance placed not to exceed the sum of twelve hundred thousand dollars, and the cost of same not to exceed the amount of twenty-four thousand dollars in premiums for policies to be written for a three years' term. Said cost to be defrayed and paid out of the San Francisco harbor improvement fund.

CHAPTER 441.

*An act to amend section four thousand one hundred forty-five of the Political Code of the State of California, relating to the duties of coroners.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand one hundred forty-five of the Political Code is hereby amended to read as follows:

4145. It shall be the duty of the coroner of each county to keep an official register, to be labeled "coroner's register," in which he shall enter the date of holding of all inquests, the name of deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of the deceased, if any; what disposition was made of the same by the coroner, the cause of death, when known, and such other information as may pertain to the identity of the deceased; *provided, further*, that when there is found any note, letter or other document written by the deceased giving directions for the disposal of property of such deceased, which note, letter or other document is delivered to the coroner, he shall cause a true copy of the same to be transcribed into the notes of the official stenographer at the time of holding the inquest into the death of such deceased, and a typewritten copy of the same to be filed in his office.

CHAPTER 442.

*An act to restrict fishing within seven hundred and fifty feet of any pier, wharf, jetty or breakwater in fish and game district number nineteen of the State of California.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Every person who, in fish and game district number nineteen, takes, catches, or kills any fish, except with hook and line in the manner known as angling and except anchovies, squids and sardines with a hand-net conforming to the following measurements and description: a dip or bait net constructed with a metal ring or hoop, or a square frame not to exceed ten feet in diameter around which a fine mesh net, sack or bag is hung, to this hoop or frame, from which the net bag is hung, three or four lines are attached and form a bridle, which is made fast to a hand line, which is used for lowering the net from the pier or bank, within seven hundred and fifty feet of the end or sides of any pier, wharf, jetty or breakwater, is guilty of a misdemeanor.

Penalty      SEC. 2. Every person found guilty of a violation of the provisions of this act shall be fined not more than five hundred dollars, or be imprisoned not more than one hundred and fifty days; and all fines or forfeitures imposed and collected for any violation of any of the provisions of this act must be paid into the state treasury to the credit of the fish and game preservation fund.

Cr-ib for propagation      SEC. 3. Nothing in this act shall prohibit the United States fish and game commission and the fish and game commission of this state from taking, at all times, such fish in such manner as they may deem necessary for the purposes of propagation or for scientific purposes.

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#### CHAPTER 443.

*An act to amend section eight hundred forty-three of the Political Code, relating to a county officer acting as a deputy of another county officer of the same county.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eight hundred forty-three of the Political Code is hereby amended to read as follows:

County  
officer not  
to act as  
deputy

§43. No county officer must be appointed or act as a deputy of another officer of the same county except in cases where the pay of the officer so appointed amounts to a sum less than one hundred fifty dollars per month, unless he acts and serves without compensation as such deputy.

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#### CHAPTER 444.

*An act to amend section six hundred twenty-eight e of the Penal Code, relating to the protection of fish.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-eight e of the Penal Code is hereby amended to read as follows:

Protection  
of whiting

628e. Every person who in fish and game district number nineteen at any time except with hook and line, takes, catches or kills any California whiting (*Menticirrhus undulatus*) also known as surf fish, or any yellow-fin or any spot-fin croaker; every person who, at any time within the period of five years, buys, sells, offers, or exposes for sale any California whiting (*Menticirrhus undulatus*), also known as surf fish, or any yellow-fin or any spot-fin croaker; every person who, at any time, buys, sells, offers or exposes for sale any southern, bastard or

chicken halibut (*Paralichthys californicus*) of less than four pounds in weight, or any barracuda less than eighteen inches in length, or albicore weighing less than six pounds, is guilty of a misdemeanor. And all fines collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund."

*Barracuda.*

CHAPTER 445.

*An act to amend section four hundred seventy-six a of the Penal Code, relating to the issuance of bank checks with intent to defraud.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred seventy-six a of the Penal Code is hereby amended to read as follows:

476a. Every person who, wilfully, with intent to defraud, makes or draws or utters, or delivers to another person, any check or draft on a bank, banker or depository for the payment of money, knowing at the time of such making, drawing, uttering or delivery, that he has not sufficient funds in, or credit with, such bank, banker or depository, to meet such check or draft in full upon its presentation, is punishable by imprisonment in the county jail for not more than one year or in the state prison for not more than fourteen years. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank or depository for the payment of such check or draft.

*Penalty for issuing bank check with intent to defraud*

CHAPTER 446.

*An act to amend section thirteen hundred thirty-three of the Penal Code, relating to the manner of producing before a superior court, grand jury or magistrate a witness who is a prisoner in a state prison or county jail.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section thirteen hundred thirty-three of the Penal Code is hereby amended to read as follows:

1333. When the testimony of a material witness is required in a criminal action, before a court of record of this state, or in an examination before a grand jury or magistrate for an offense triable in the superior court and such witness is a prisoner in a state prison or in a county jail, an order for

*Manner of producing prisoner as witness.*

If prison is out of county in which application is made.

his temporary removal from such prison or jail, and for his production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison or jail is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or prosecutor, or of the defendant or his counsel, stating that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when he is no longer required as a witness, to return him to the prison or jail whence he was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made.

#### CHAPTER 447.

*An act to amend section four thousand two hundred and sixty-four of the Political Code, relating to the salaries and fees of officers in counties of the thirty-fifth class.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and sixty-four of the Political Code is hereby amended to read as follows:

Counties of 35th class, salaries of officers

4264 In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, three thousand four hundred dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars.

8. The district attorney, two thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two thirds of the working days in any month, except on payment of fees now allowed by law.

13. Justices of the peace, the following salaries to be paid each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of twenty-five hundred and less than five thousand, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the popu-

lation of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

Supervisors.

15. Each supervisor, twelve hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

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#### CHAPTER 448.

*An act to amend section one thousand four hundred twenty-six n of the Civil Code, relating to fees for recording affidavits of labor or improvements on mining claims.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand four hundred twenty-six n of the Civil Code is hereby amended so as to read as follows:

Fee for recording affidavits of labor, etc.

1426n. For recording the affidavit herein required, the county recorder shall receive a fee of ten cents per folio, twenty cents for endorsement and ten cents for indexing the name of each claim and each owner.

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#### CHAPTER 449.

*An act to amend section four thousand two hundred fifty of the Political Code, relating to the salaries and fees of the officers of the counties of the twenty-first class.*

[Approved May 22, 1915. In effect immediately.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred fifty of the Political Code is hereby amended to read as follows:

Counties of 21st class, salaries of officers.

4250. In counties of the twenty-first class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

County clerk

1. County clerk, three thousand five hundred dollars per annum, and shall receive in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he also shall receive in addition the sum of ten cents per name for each voter registered in the county of Santa Cruz, which shall be in full for all services required in registering voters and making up the great register, and the performing of all other acts incident to or pertaining to elections; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk one copyist and

index clerk who shall be appointed by the county clerk and who shall be paid a salary of nine hundred dollars per annum, and whose salary shall be paid in monthly installments in the same manner and out of the same fund as the salary of the county clerk is paid.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of twelve hundred dollars per annum and one deputy sheriff, who shall also act as night jailer, at a salary of five hundred dollars per annum; the said undersheriff and the said deputy to be appointed by the sheriff and the salaries of which shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid: *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of Santa Cruz county.

3 The recorder, twenty-four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided, further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, two thousand seven hundred and fifty dollars per annum.

5 The treasurer, twenty-four hundred dollars per annum.

6. The tax collector, twenty-seven hundred and fifty dollars per annum; *provided*, that in lieu of the clerk now allowed this office for six months during each year, the said tax collector is hereby allowed one deputy for the entire year who shall receive a salary of nine hundred dollars per annum; said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, three thousand dollars per annum; *provided*, that in addition the assessor shall be allowed one office deputy at nine hundred dollars per annum; one draftsman at twelve hundred dollars per annum; one deputy for five months in the year at one hundred dollars per month; one copyist for five months in the year at forty dollars per month; one deputy for five months in the year at one hundred dollars per month; one deputy for three months in the year at one hundred dollars per month, and one deputy for four months in the year at one hundred dollars per month; *and provided, further*, that all of said deputies, clerks and draftsmen, herein provided for, shall be appointed by the assessor and shall be paid by the

county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

District  
attorney.

8. The district attorney, two thousand dollars per annum, and one deputy for the district attorney is hereby provided for at the discretion of the board of supervisors expressed by resolution.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-  
trator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a clerk which office is hereby created, at a salary of fifty dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Supervisors

13. Board of supervisors, each member of the board of supervisors one hundred dollars per month and no mileage.

Township  
classification.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined for the purpose of this and the succeeding subdivisions by multiplying by three the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1912.

Justices of  
the peace

15. From and after January fourth, 1915, justices of the peace of townships in said county shall receive the following salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary

fund of the county, which shall be in full for all services rendered by them in criminal and civil cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one-half of the salaries therein provided for, to wit: In townships of the first class, two hundred dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, fifty dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month. All fees fixed and provided by law and collected by any justice of the peace shall be paid into the county treasury at the end of each month. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, forty dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, fifteen dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

16. The official reporter of the superior court shall receive the fees allowed by law. Official reporter.

17. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation of all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section four thousand two hundred and ninety of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the Full compensation

county of Santa Cruz and shall be paid into the county treasury by said officer at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him, save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, recorder, district attorney and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit: sheriff, recorder, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, eight and eleven of this act.

In effect  
immediately.

18. This act shall take effect immediately.

#### CHAPTER 450.

*An act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to the salaries, fees, and expenses of officers in counties of the sixteenth class.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred forty-five of the Political Code of the State of California is hereby amended to read as follows:

Counties of  
16th class,  
salaries of  
officers.

4245. In counties of the sixteenth class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries:

County  
clerk.

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk, the following clerks, deputies and employees who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of one hundred twenty-five dollars per month; two courtroom deputies at a salary of one hundred fifteen dollars each per month; one office deputy at a salary of one hundred dollars per month; one stenographer at a salary of eighty-five dollars per month; one copyist at such times as in the judgment of the county clerk is necessary, at a salary of fifty dollars per month; *provided, further*, that in any year that the compilation of a registration of voters is required by law, or supplements to be made thereto, the county clerk shall receive as expense for compiling such registration of voters and making supplements thereto, and work incident to elections, the sum of five cents for each name registered, to be paid upon the filing and presentation of duly verified claims therefor, by the county clerk with the board of supervisors of

said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of such claims by the board of supervisors of said county.

2. The sheriff, five thousand dollars per annum. All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile fifteen cents per mile. The sum of thirty-seven and one-half cents per day for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff, the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of one hundred fifty dollars per month; one deputy sheriff for the office at a salary of one hundred twenty-five dollars per month; one deputy sheriff to act as jailor at a salary of one hundred dollars per month; two deputy sheriffs to act as bailiffs, at a salary of one hundred dollars per month each, and a stenographer to the sheriff at a salary of one hundred dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy, at a salary of fifteen hundred dollars per annum; one deputy, at a salary of twelve hundred dollars per annum; two index clerks, at a salary of seven hundred and twenty dollars each per annum; three copyists, at a salary of seven hundred and twenty dollars per annum, and one copyist, at

such times as in the judgment of the county recorder is necessary, at a salary of fifty dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid

Auditor.

4. The auditor, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following clerks and employees, who shall be appointed by the county auditor, and shall be paid salaries as follows: One deputy auditor at a salary of one hundred and ten dollars per month and a sum not to exceed nine hundred dollars in any one year for such additional clerk hire as may be necessary, said clerks not to secure a greater amount than three dollars per day each. The salaries of the clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid

Treasurer.

5. The treasurer, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, one clerk, who shall be appointed by the treasurer and who shall receive a salary of seventy-five dollars per month, said salary to be paid in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer shall be executed with a reliable bonding and surety company and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund

Tax collector.

6. The tax collector, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred and twenty-five dollars per month; one stenographer to the tax collector at a salary of seventy-five dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed two dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of eight hundred dollars per annum; one index clerk to be paid not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerk to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the

compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

7. The district attorney, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One chief deputy district attorney at a salary of two hundred dollars per month; one deputy district attorney at a salary of one hundred and twenty-five dollars per month; and one stenographer to the district attorney at a salary of sixty dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney shall be allowed fifteen cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile; and his actual traveling expenses when he travels by rail.

8. The superintendent of schools, three thousand two hundred and fifty dollars per annum, which shall include his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of one hundred dollars per month. The salary of the deputy herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

9. The assessor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor at a salary of one hundred and twenty-five dollars per month; one office deputy assessor at a salary of one hundred and twenty-five dollars per month; three field deputy assessors to hold office during not to exceed five months each in any one year at a salary of one hundred and twenty-five dollars per month each; one field deputy assessor to hold office not to exceed five months in any one year at a salary of one hundred dollars per month; one copyist at a salary of seventy-five dollars per month. And such additional deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day, each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks, at a salary not to exceed five dollars per day each, shall not exceed

the sum of two thousand dollars per annum, and a sum not to exceed four hundred dollars per year for traveling expenses for field work, said additional deputies and clerks, at a salary not to exceed five dollars per day each, to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, at a salary of not to exceed five dollars per day, shall be paid on the presentation and filing of claims with the board of supervisors as heretofore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commissions for the collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code.

Coroner

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class there shall be and there hereby is allowed to the county coroner one stenographer to the coroner to be appointed by him at a salary of seventy-five dollars per month. The salary of the stenographer herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

Administrator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor.

12. The surveyor, ten dollars per day for all work performed for the county, and, in addition thereto, all necessary expenses and transportation for work performed in the field, which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law.

Justices of the peace

13. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand or more, one hundred and seventy-five dollars per month; (2) in townships having a population of three thousand or more, one hundred dollars a month; (3) in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; (4) in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; (5) in townships having a population of twelve hundred and less than two thousand, forty dollars a month; (6) in townships having a population

of one thousand and less than twelve hundred, twenty dollars a month; (7) in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; (8) in townships having a population of less than four hundred and fifty, five dollars per month. Each justice must pay into the county once a month, all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive as expenses for maintaining his office such sum as may be necessary not to exceed twenty per cent of the amount allowed him as salary.

14 Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: Constables  
 (1) In townships having a population of three thousand or more, one hundred twenty-five dollars a month; (2) in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one-half dollars a month; (4) in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; (6) in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning of a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15 The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1915, and in the month of July every four years thereafter. Population.

16. Each member of the board of supervisors nine hundred dollars per annum, and as road commissioner three hundred Supervisors.

dollars per annum and expenses, as supervisor and road commissioner not to exceed twenty cents per mile each way for traveling to and from his residence while engaged in the performance of the duties of supervision of public road as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

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#### CHAPTER 451.

*An act to repeal an act entitled "An act to regulate the erection of public buildings and structures," approved April 1, 1872.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Repealed.

SECTION 1. An act entitled "An act to regulate the erection of public buildings and structures," approved April 1, 1872, is hereby repealed.

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#### CHAPTER 452.

*An act to amend section nine hundred fifty-four of the Penal Code of the State of California, relating to charging two or more different offenses in indictments and informations.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section nine hundred fifty-four of the Penal Code is hereby amended to read as follows:

Two or more  
offenses  
in one  
indictment.

954. The indictment or information may charge two or more different offenses connected together in their commission, or different statements of the same offense, or two or more different offenses of the same class of crimes or offenses, under separate counts, and if two or more indictments or informations are filed in such cases the court may order them to be consolidated. The prosecution is not required to elect between the different offenses or counts set forth in the indictment or information, but the defendant may be convicted of any number of the offenses charged, and each offense upon which the defendant is convicted must be stated in the verdict; *provided*, that the court, in the interest of justice and for good cause shown, may, in its discretion, order that the different offenses or counts set forth in the indictment or information be tried separately, or divided into two or more groups and each of said groups tried separately.

CHAPTER 453.

*An act to amend section one thousand seven hundred thirty of the Political Code, relating to boards of trustees in high school districts.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand seven hundred thirty of the Political Code is hereby amended to read as follows:

1730 In every union or joint union high school district, the high school board shall be composed of five members who shall be elected from the high school districts at large for the term of three years, except as hereinafter provided. When any union or joint union high school district is formed, the superintendent of schools who has jurisdiction over the same shall, within fifteen days thereafter, call an election in said union or joint union high school district for the purpose of electing a high school board. Such election shall be held at the schoolhouse of each school district in the high school district, and such superintendent of schools shall appoint the same number of officers of election for each school district, and give the same notices of election as are required for the election of school trustees, and the election shall be held in the same manner as are elections of school trustees, except that the returns shall be at once sent to such superintendent of schools, and he shall canvass the same and issue certificates of election to the persons elected. One member shall be elected to hold office from the day of receiving his certificate of election until the first day of May next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter their successors shall be elected as provided for in section one thousand seven hundred thirty-one of this code. Within twenty days after said election the superintendent of schools shall call a meeting of the high school board, by giving at least ten days' notice by registered mail to each member thereof, for the purpose of organizing the high school board. At such meeting the high school board shall organize by electing a president from their own number and a secretary, and may transact any other business relating to the affairs of the school district.

Election of trustees of high school districts.

Term of office.

Meeting for organizing

## CHAPTER 454.

*An act to amend section one thousand five hundred and forty-three of the Political Code, relating to the duties of superintendent of schools.*

[Approved May 22 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand five hundred and forty-three of the Political Code of the State of California is hereby amended to read as follows:

Duties of  
superintendent  
of  
schools.

1543. It is the duty of the superintendent of schools of each county:

*First*—To superintend the schools of his county.

Apportion-  
ment of  
school  
moneys.

*Second*—*a.* To apportion the school moneys to each school district as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

Procedure if  
attendance  
is five or less

*b.* If in any school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the superintendent shall, after giving due notice to all parties interested by sending notices by registered mail to each of the trustees, or, by causing notices to be posted in three public places in the district, one of which shall be at the door of the schoolhouse, for not less than ten days, report the fact to the board of supervisors at their first meeting in August. The board of supervisors shall investigate the matter, and, if in its judgment it would be better to temporarily suspend the school district they shall immediately so suspend it. If the board of supervisors find that there are other school facilities or that there is no reasonable chance to re-establish the district they shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residence of said lapsed district.

Re-establish-  
ment of  
suspended  
school.

*c.* At the meeting of the board of supervisors in the months of July, August, or September, the board of supervisors may re-establish a suspended school district upon proper showing of the people or board of school trustees of the district that

there are eight or more pupils of the district ready to attend school.

*d.* After a district has been suspended, the county superintendent shall at the time of making the apportionment of school moneys as provided in section one thousand eight hundred fifty-eight of the Political Code, set aside for such suspended district, the sum of five hundred and fifty dollars. This amount, with any unexpended balance to the credit of the district, shall be held for the use of the suspended district, in case it should be re-established, and so much of it as may be needed to keep the property of the suspended district insured may be expended by the trustees in the same manner as if the district were not suspended. But no subsequent apportionment shall be made to a suspended district, until it is re-established as provided in subdivision three of this section.

Money set aside for suspended district

*e.* Trustees shall be elected or appointed in suspended districts just as if they were not suspended.

Trustees.

*f.* The superintendent may at any time in the month of July of any year give notice as provided in subdivision two of this section, to any suspended district which has not maintained school during the year past, and at the first meeting of the board of supervisors in August ask that such district be declared lapsed.

Lapsing of suspended district

*g.* A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of heads of families residing in each of said districts shall be presented to the board of supervisors. Such petition must be filed with the county superintendent and by him presented to the board of supervisors with such suggestions as he thinks best.

Merging

*h.* When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the said lapsed district has been merged. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the average daily attendance in the respective districts as shown by the teacher's report for the preceding school year. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Property of lapsed district

Requisition  
on auditor  
for expenses.

*Third—*a. On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition. The order of the board of school trustees, or board of education, shall be made only on the form of blank approved by the superintendent of public instruction; *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education, shall be transmitted to the superintendent, who shall, in case he approve said demand, indorse upon it, "examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand when so approved and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Warrant  
on county  
treasurer

Transfer of  
fund to high  
school  
district  
giving  
intermediate  
school  
course.

b. On the order of the board of trustees or board of education of any elementary school district located within, or having the same boundaries as, a high school district which has established an intermediate school course as provided for in section 1750a of the Political Code, to transfer from the school funds of such elementary school district to the fund of the board having control of such intermediate school course, such sum as may be agreed upon, as provided in section 1617d of the Political Code, by said board of trustees or board of

education and said board having control of such intermediate school course, for the tuition of pupils residing in such elementary school district and attending such intermediate school course; *provided*, that all of the funds so transferred shall be applied exclusively to the support of the grades of such intermediate school course corresponding to the seventh and eighth grades of the regular elementary schools.

*Fourth*—To keep open to the inspection of the public a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Register of requisitions

*Fifth*—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Visits to schools

*Sixth*—To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of state textbooks, and of high school textbooks regularly adopted by proper authority, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Preside over teachers' institutes.

*Seventh*—He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary or grammar school, kindergarten-primary and special certificates granted by county boards of education of California; or to persons who are graduates of colleges, normal schools, or universities and who hold valid certificates issued outside of California when, in the judgment of the superintendent, such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California; which temporary certificate when issued between July first and December thirtieth shall expire on January first following; and when issued between January first and June twenty-ninth shall expire on July first following; *provided*, that no person shall be entitled to receive a temporary certificate more than once in the same county.

Issue temporary certificates

*Eighth*—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers

Distribute circulars, etc

*Ninth*—To keep in his office the reports of the superintendent of public instruction.

Reports.

*Tenth*—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Record of acts

Pass upon  
certain  
schoolhouse  
plans.

*Eleventh*—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

Appoint  
trustees  
to fill  
vacancies

*Twelfth*—To appoint trustees to fill all vacancies in elementary school districts as provided in section fifteen hundred and ninety-three of the Political Code or as may be otherwise provided by law; to appoint trustees to fill all vacancies in high school districts as provided in section seventeen hundred and thirty-one of the Political Code or as may be otherwise provided by law: to appoint trustees in new elementary school districts to hold office until the first day of May next succeeding their appointment. In case of the failure of the board of school trustees to appoint a clerk of the district on the proper date or in case of a vacancy in the position of clerk of the district, the superintendent shall appoint a member of the board of school trustees clerk of the district. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Make  
reports

*Thirteenth*—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Deliver  
records to  
successor.

*Fourteenth*—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Grade  
schools

*Fifteenth*—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Contract for  
money for  
Indian  
pupils.

*Sixteenth*—On the recommendation of the county superintendent of schools, boards of school trustees and city boards of education are hereby empowered to enter into contract with the national government to receive money from said national government for the Indian children in attendance in the schools under the jurisdiction of said boards, in addition to any money that may be appropriated for such schools by the state and the county. Any money received on such contract shall be transmitted to the county superintendent of schools to be by him paid into the county treasury to the credit of the special school fund of such school district. On the receipt of such money the superintendent shall notify the clerk of the board of school trustees of the receipt of the money.

CHAPTER 455.

*An act to amend sections fifteen hundred eighteen and fifteen hundred nineteen of the Political Code, to add thereto a new section to be numbered fifteen hundred eighteen a, all relating to the state board of education and prescribing its powers and duties; and to repeal section one thousand four hundred ninety-two of the Political Code.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section fifteen hundred eighteen of the Political Code is hereby amended to read as follows:

1518. The superintendent of public instruction shall within thirty days after the appointment of the state board of education, as provided for in section one thousand five hundred seventeen of the Political Code, call a meeting of such board in his office and said board shall organize by electing one of its members president.

Organization of board of education

At the first meeting following any change in the membership of the board, said board shall again organize in accordance with the above provision.

The superintendent of public instruction shall be secretary and shall act as executive officer of the board; he shall have charge of all its correspondence and shall keep a record of its proceedings. It shall be the duty of the state board of education to determine all questions of policy; it shall be the duty of the superintendent of public instruction to execute, under direction of the board, the policies which have been decided upon, and to direct, under such general rules and regulations as the state board of education may adopt, the work of all assistant superintendents of public instruction, and such other appointees and employees of the board as may be provided by law.

Superintendent of public instruction, secretary

The board shall meet every three months at such times as it may by resolution determine, and special meetings may be called by the president. Upon the request of any two members in writing the secretary shall call a special meeting. Notice of each meeting shall be given by the secretary by registered mail to each member of the board at least ten days prior to the time of any meeting, unless notice of such meeting is waived in writing by all members of the board. The concurrence of the majority of all the members of the state board shall be necessary to the validity of any of its acts.

Meetings

SEC. 2. A new section is hereby added to the Political Code to be numbered one thousand five hundred eighteen a and to read as follows:

1518a. Annually, at such time as may be determined by the rules of the board, a meeting shall be held to consider and act upon matters pertaining to the several normal schools of the state. To such meeting, to submit and discuss matters affect-

Annual meeting regarding normal schools

ing the several normal schools of the state, each normal school may send the president of the school. The actual and necessary expenses incurred by such officials in attending such meeting may be audited and paid in the same manner as are other bills for the maintenance of the normal school.

Powers of  
state board  
of education.

SEC. 3. Section fifteen hundred nineteen of the Political Code is hereby amended to read as follows:

1519. The powers and duties of the state board of education shall be as follows:

Adopt rules.

*First*—To adopt rules and regulations not inconsistent with the laws of this state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, the technical and vocational schools of the state, for the government of the several normal schools of the state as hereinafter provided, and for the government of such other schools, excepting the University of California, as may receive in whole or in part financial support from the state. Such rules and regulations shall be published for distribution as soon as practicable after adoption.

Rules for  
normal  
schools.

At the joint meeting of this board and the representatives of the normal schools of the state provided for in section fifteen hundred eighteen *a* of the Political Code, matters affecting the normal schools may be presented by members of the board, by the superintendent of public instruction and the commissioners of education, and by the representatives of the normal schools, and, after due presentation and consideration, the board may adopt rules and regulations for the government of the normal schools in the following matters:

Standard-  
izing  
courses of  
instruction.

(*a*) The standardizing, as far as the board shall deem it wise and necessary, of the courses of instruction offered in the several normal schools for the preparation of teachers for the public schools of the state.

Courses for  
special  
teachers.

(*b*) The establishing and conducting in any or all of the normal schools of the state of such courses of instruction as shall prepare for the public schools of the state special teachers in any or all of the subjects of drawing, music, physical culture, and commercial, technical or industrial branches.

List of  
textbooks.

(*c*) The compiling and publishing of a list of textbooks for use by the students of the several normal schools of the state; *provided*, that the state series of textbooks shall be used in the grades and classes for which they are adapted, and that all other regular textbooks shall be selected by the various normal school authorities from said list.

Standards of  
admission

(*d*) The prescribing of the standards of admission for students entering the normal schools, and the rules for transfer of pupils from one normal school to another; *provided*, that a student for good cause, may, upon recommendation of the president of the school from which he seeks to be transferred, enter any other normal school and without examinations be admitted to classes corresponding to those in the school which he has left.

(e) The determination of the time and standards for grad- Graduation.  
 uation from the state normal schools.

*Second*—To issue subpoenas to compel the attendance of Subpoenas  
for witnesses  
before board.  
 witnesses before the board, or any member thereof, in the  
 same manner that any court in this state may; and whenever  
 the testimony of any witness upon any matter pending before  
 it is material, the president must cause the attendance of the  
 witness before such board, or a member thereof, to testify  
 concerning such matter, and the board may make a reasonable  
 allowance therefor, not exceeding the fees of witnesses in civil  
 cases, which must be paid for out of the appropriation for the  
 contingent expenses of the board, but in no instance can an  
 allowance be made in favor of a witness who appears in behalf  
 of a claimant.

*Third*—To adopt and use, in authentication of their acts, Official seal  
 an official seal.

*Fourth*—To appoint three assistant superintendents of Assistant  
superin-  
tendents of  
public  
instruction  
 public instruction, who shall not be subject to the provisions of  
 any civil service law of the state, and who shall be known and  
 designated as follows:

(a) One commissioner of elementary schools, who shall be Designation  
 experienced in teaching in and supervising elementary schools.

(b) One commissioner of secondary schools, who shall be  
 experienced in teaching and who has been principal or super-  
 visor of secondary schools.

(c) One commissioner of industrial and vocational educa-  
 tion who has had experience as a supervisor of industrial or  
 vocational education.

(d) The state board of education shall study the educa- General  
duties  
 tional conditions and needs of the state; shall make plans for  
 the improvement of the administration and efficiency of the  
 public schools of the state: shall have power to conduct educa-  
 tional investigations and shall employ educational and busi-  
 ness experts, within the limits of its appropriation therefor;  
 shall annually require reports as to the activities of the super-  
 intendent of public instruction and the assistant superin-  
 tendents, and such other employees as it may direct to report,  
 for submission to the governor, and the same shall submit  
 biennially, to the governor, on or before the fifteenth day of  
 September next preceding the regular session of the legisla-  
 ture, a report of its transactions for the preceding two years,  
 together with recommendations of its needs for the coming  
 biennium, and such recommendations as to changes in laws or  
 new educational legislation as may seem to it to be necessary.

*Fifth*—(a) To prescribe by general rule the credentials Credentials  
for certifi-  
cate for  
high school  
teaching  
 upon which persons may be granted certificates to teach in  
 the high schools of this state. No credentials shall be pre-  
 scribed or allowed, unless the same, in the judgment of said  
 board, are the equivalent of a diploma of graduation from  
 the University of California, and are satisfactory evidence  
 that the holder thereof has taken an amount of pedagogy  
 equivalent to the minimum amount of pedagogy prescribed

by the state board of education of this state, and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

Applicants  
without  
above  
credentials

(b) To consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board, in its discretion, may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the state. In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

Qualifica-  
tions for  
special  
certificate  
for special  
subjects.

(c) To establish and prescribe by general regulations the qualifications upon which county boards of education may grant to any person a special certificate to teach any special subject or subjects in such grades as are mentioned therein; *provided*, that no qualification shall be prescribed for certification to teach in any grade, whatever, a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or (where this terminology does not apply) its equivalent, in the vocation in which he desires certification.

Applicants  
without  
above qualifi-  
cations

(d) To consider the cases of individual applicants who are not possessed of the qualifications prescribed in paragraph (c) of this section, or in the general regulations of the state board of education, and when the state board of education is satisfied that any applicant possesses qualifications equivalent to those so specified, it may issue to such applicant a state board credential upon which county boards of education may grant to him a special certificate to teach such special subject or subjects as are listed in said credential in such grades and for such length of time as therein specified.

Life  
diplomas

(e) To grant life diplomas of four grades, valid throughout the state, as follows:

(1) High school: Authorizing the holder to teach in any primary or grammar or high school.

(2) Grammar school: Authorizing the holder to teach in any primary or grammar school.

(3) Kindergarten-primary: Authorizing the holder to teach in the kindergarten class of any primary school.

(4) Special: Authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

Qualifica-  
tions for life  
diplomas.

(f) To issue, except as provided in sections fifteen hundred and three and seventeen hundred and seventy-five of this code, life diplomas only to such persons as have held for one year, and still hold, a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied

for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-eight months. Not less than twenty-one months of said experience shall have been in the public schools of California. Every application must be accompanied to the state board of education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the dates between which, said applicant has taught. The application for any credentials or diploma or document mentioned in this chapter must also be accompanied by a fee of two dollars, which fee must be paid into the state treasury to the credit of the appropriation for the expenses of the state board of education and used for the purpose of defraying the expense of issuing the credential, document or diploma. Fee.

(g) To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections fifteen hundred and three and seventeen hundred and seventy-five of this code, or credentials issued in accordance with subdivision two of this section: and to adopt such rules for said revocation as they may deem expedient or necessary. Revocation of life diplomas.

(h) To have done by the state printer, or other officer having the management of the state printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the state board of control. Printing by state printer

*Sixth*—To compile in whole, or in part, and to manufacture such textbooks as are now in use: to compile, or cause to be compiled, and manufacture such other additional textbooks or books, as it may deem necessary or proper for use in the elementary schools of the state, as provided by section one thousand six hundred sixty-five of the Political Code; to purchase books when necessary, or lease plates, maps, engravings or copyright matter for use in manufacturing such textbooks; contract for, or lease copyrights for use in compiling, printing or publishing such books; to provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and to do any or all things that may be necessary for the purpose of procuring a uniform series of textbooks for use in the elementary day and evening schools of the state. Compile textbooks

*Seventh*—Whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books have been purchased, as hereinbefore provided, the state board of education shall enter into a contract for not less than four years nor more than eight years for the use of the same in the elementary day and evening schools of the state, and shall require a good and sufficient bond of the owner or owners of such books, plates, maps or engravings under a written Contracts for use of plates, maps, etc

guarantee that the same shall be kept revised and free from all errors and up to date as may be required by the state board of education.

Copyrights.

Uniform use  
of textbooks  
adopted.

*Eighth*—The state board of education may secure copyrights in the name of the people of the State of California, to any book that may be compiled. Whenever any one or more of the state textbooks shall have been compiled or purchased, published and adopted, the superintendent of public instruction, on the order of the state board of education shall issue an order to all county, city, city and county school superintendents by sending notices by registered mail to said superintendents who in turn shall notify the secretaries of all boards of education in the cities and the clerk of the board of school trustees and the teacher or principal in each school district, requiring the uniform use of such book, in the grades of the elementary day and evening schools for which they have been adopted, and when such order has thus been given and published, the same shall remain in force and effect for a term of not less than four nor more than eight years; *provided*, that such order for the uniform use of such book, shall not take effect until the beginning of the next fiscal year; namely, the first of July next following the issue of the order, or at such time thereafter as may be fixed by the state board of education; *provided*, that the book shall go into use at the beginning of a fiscal year.

When a book has been adopted, the state board of education shall enforce the uniform use of such book, in the elementary day and evening schools for which said book has been adopted.

Refusal to  
use state  
textbooks

*Ninth*—Any teacher or city, county, or city and county superintendent of schools or any board of education, refusing or neglecting to use said series of state textbooks at the time required in the last preceding subdivision of this act, shall be guilty of a misdemeanor, and upon proof thereof of such refusal or neglect, shall be subject to a fine not exceeding one hundred dollars for each offense; *provided*, that nothing herein contained shall in any way restrict the additional use of such books as are now provided in section one thousand seven hundred twelve of the Political Code.

Duties of  
superin-  
tendent of  
state  
printing

*Tenth*—The superintendent of state printing shall have supervision of all of the mechanical work connected with the printing of such books as may be compiled and adopted subject to the approval of the state board of education or such representative of the state board of education as may be appointed to supervise such work. The superintendent of state printing shall print and bind such books in lots of not less than five thousand and turn them over to the state board of education at the warehouse, and receive payment therefor on the approval of the items of said cost by the state board of education or the duly authorized agent of said board, and upon the approval of the bill by the board of control. He shall furnish one copy of a cost-finding report showing items of work and the materials and the exact cost of each item for each of said lot of books, to the state board of education and one copy to the board of

control The superintendent of state printing shall on the first day of each month furnish to the state board of education a detailed statement showing the name and number of books published by him during the preceding month, and the number then in course of publication.

*Eleventh*—On receiving a copy of the cost-finding report and estimated cost of the publishing of any book, the state board of education thereupon shall determine and fix the cost price of such books by adding to the cost of manufacture, the contract price to be paid as royalty or for the use of plates, maps, or engravings or copyrighted matter, and said price, to which has been added ten per cent of such price to cover overhead expense, shall be deemed to be the whole cost of publication of such book at Sacramento. The state board of education may provide for the sale at not less than cost price of state textbooks to private schools, individuals, or dealers under such rules and regulations as may be adopted by said board of education; *provided*, that such books be not sold by dealers for more than the cost price at Sacramento, plus the postage, packing and cartage on such books, which price shall be established by said board of education

Board of education to fix cost price of textbooks.

*Twelfth*—All orders for textbooks shall be forwarded to the superintendent of public instruction on blanks furnished by him He shall investigate such orders and make necessary changes and forward the same to the person in charge of the warehouse and shipment of books with definite orders for shipment He shall keep an accurate account of the amount of money received from the sale of textbooks for each month and report to the controller on or before the fifth of the succeeding month, the number of books sold, or distributed, and the amount of money collected therefor, and shall pay such money into the treasury to the credit of the "school textbook fund." The amount fixed for royalty and costs of plates of copyright matter in favor of any company, or individual, shall be presented by the superintendent of public instruction to the state board of education for its approval Said claim shall be paid quarterly, in the same manner as other claims upon the state treasury, on the approval of the board of control

Orders for textbooks.

*Thirteenth*—Upon closing a term of school, each teacher or principal shall prepare, upon requisition blanks furnished by the superintendent of public instruction, an order for the number of state textbooks estimated to be required for use in the school under his charge at the opening of the ensuing term Such order shall be a part of the annual report required by subdivision six of section one thousand six hundred ninety-six of the Political Code The superintendent of schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term until the order required by this subdivision has been filed and by him approved. Orders for additional books may be forwarded at any time on the approval of the county superintendent of schools.

Estimate of textbooks needed

In ordering free textbooks, any teacher may order one copy of any series of books for use on the teacher's desk, if not supplied with such book, which copy shall be sent by the superintendent of public instruction free of cost with other school books.

Forwarding  
books  
ordered.

*Fourteenth*—On receiving orders from the superintendent of public instruction for textbooks the person in charge of the warehouse and shipment of books shall forward by freight, express or mail, as directed by the superintendent of public instruction, to the nearest freight depot, express or post office, in the name of the clerk of the school district or the city superintendent of schools in cities, the number of books called for in said order.

Draft on  
"textbook  
appropriation."

*Fifteenth*—The appropriation heretofore made, known as the "textbook appropriation," shall be subject to the draft of the state board of education for necessary expenses incurred by it for office supplies, the hiring of expert assistants, and for other necessary expenses; *provided*, that all claims shall be presented to the board of control for its approval.

State school  
book fund

*Sixteenth*—All moneys that have been received or may hereafter be received from the sale of said series of state textbooks to private schools or to dealers or persons or that may be appropriated by the legislature for publishing said series of state textbooks, shall be kept by the state treasurer in a fund known as the "state school book fund." This fund shall be subject to the order of the state board of education for all expenses incurred by the superintendent of printing for all material, labor, and other expenses necessary for publishing state school textbooks, and for all books purchased, for the cost of shipping free textbooks, and for necessary employees in connection with such shipment as may be determined by the state board of education. All claims to be drawn after being certified by the claimant and the items approved by the secretary of the state board of education shall be presented to the board of control for its approval, and upon the approval of said board of control, the state controller is hereby authorized and directed to draw his warrant on the state treasurer, who is hereby directed to pay the same.

Repeated.

SEC 3 Section one thousand four hundred ninety-two of the Political Code is hereby repealed.

CHAPTER 456.

*An act to amend section fourteen hundred eighty-nine of the Political Code, relating to the powers and duties of normal school boards.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section fourteen hundred eighty-nine of the Political Code is hereby amended to read as follows:

1489. The powers and duties of each board of trustees of the state normal schools of California are as follows:

Powers and  
duties,  
normal  
school  
trustees.

1. To prescribe rules for their government and the government of the school;

2. To prescribe rules for the reports of officers and teachers of the school and for visiting other schools and institutions;

3. To provide for the purchase of school apparatus, furniture, equipment, stationery, and textbooks for the use of students;

4. To establish at their discretion, and maintain model and training schools of the primary and grammar grade, and, in their discretion of the kindergarten grade, and to require the students of the normal schools to teach and instruct classes therein;

5. To establish at their discretion courses for the training of teachers of drawing, music, physical culture, and commercial, technical, or industrial subjects in the elementary and secondary schools of the state and upon the satisfactory completion of these courses to grant diplomas of graduation therefrom;

6. To elect the president of the school, who shall be ex officio secretary of the board, and an assistant secretary who shall receive such salary as may be allowed by the board; and to elect the teachers, upon their nomination by the president of the school, fix their salaries, and prescribe their duties; *provided*, that after the president or a teacher has served successfully and acceptably in the school for the period of two years prior to or after the passage of this act, his or her appointment thereafter may, at the discretion of the board of trustees, be made for a term not to exceed four years, unless removed for cause;

7 To control and expend all moneys appropriated for the support and maintenance of the school, and all moneys received for tuition or donations;

8. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school;

9. To keep open to public inspection an account of receipts and expenditures;

10. To annually report to the state superintendent of public instruction a statement of their transactions, and of all matters pertaining to the school;

11. To transmit with such report a copy of the president's annual report;

12. To revoke any diploma by them granted, on receiving satisfactory evidence that the holder thereof is addicted to drunkenness, is guilty of gross immorality, or is reputedly dishonest in his dealings; *provided*, that such person shall have at least thirty days' previous notice of such contemplated action, and shall, if he asks it, be heard in his own defense;

13. On recommendation of the faculty and president of the school, to exclude students, who, because of poor scholarship or other evidences of unfitness, are judged incapable of becoming successful teachers in the public schools of the state.

14. To establish and maintain courses of study *only* in accordance with the rules and regulations prescribed by the state board of education as provided in section one thousand five hundred nineteen of the Political Code.

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#### CHAPTER 457.

*An act to amend section one thousand one hundred and eleven of the Penal Code of the State of California, relating to corroboration of accomplices and definition thereof.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand one hundred and eleven of the Penal Code is hereby amended to read as follows:

Conviction  
on testimony  
of  
accomplice.

1111. A conviction can not be had upon the testimony of an accomplice unless it be corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

Accomplice  
defined.

An accomplice is hereby defined as one who is liable to prosecution for the identical offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given

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#### CHAPTER 458.

*An act to amend section four hundred forty-three of the Political Code, in regard to the state school fund.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred forty-three of the Political Code is hereby amended to read as follows:

Transfer of  
money to  
school fund.

443. On or before the thirty-first day of December in the year nineteen hundred fifteen and on or before the thirtieth day of June in the year nineteen hundred sixteen, and on or

before the thirtieth day of June and the thirty-first day of December in each succeeding year, the state controller shall transfer from the general fund of the state, to the state school fund, such sums as will be equivalent to fifteen dollars per annum for each pupil in average daily attendance in the elementary schools of the state as reported by the superintendent of public instruction for the school year ending June thirtieth preceding. The money so transferred shall be in addition to the funds provided by the constitution for the support of the common schools and any other funds paid into the state school fund from other sources or made available by any provision of law for the support of the elementary schools of the state, and the provisions of this section shall not apply to nor affect the acts under which said additional sums are appropriated or made available for such use.

In addition to funds provided by constitution

CHAPTER 459.

*An act to repeal section two hundred fifty-eight of the Penal Code, relating to the publication of caricatures and cartoons.*

[Approved May 22, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred and fifty-eight of the Penal Code is hereby repealed.

Repealed.

CHAPTER 460.

*An act to amend section one thousand seven hundred thirty-one of the Political Code, relating to the election or appointment of members of high school boards.*

[Approved May 22, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand seven hundred thirty-one of the Political Code is hereby amended to read as follows:

1731. The regular annual election of members of the high school board shall be held at the same time as the regular annual election of school trustees. Said election shall be called by the high school board, who shall for that purpose designate a polling place in each of the school districts composing the high school district, at one of the schoolhouses thereof, at which the electors of such school districts shall vote. The high school board shall give the same notice of said election and appoint the same number of election officers in each school district as are required for the election of school trustees, and

Election of high school boards

In same manner as of school trustees.

Canvass of returns. said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the high school board, who shall meet at the high school on the seventh day thereafter at one o'clock p.m., and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such high school district. As each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified.

Vacancies. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the high school district, the appointee to hold office for the remainder of the unexpired term.

### CHAPTER 461.

*An act to amend sections four, five and six of an act entitled "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903, and as amended by an act approved March 20, 1905, and as amended by an act approved March 4, 1907, and as amended by an act approved April 21, 1911.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Sections four, five and six of "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903, and as amended by an act approved March 20, 1905, and as amended by an act approved March 4, 1907, and as amended by an act approved April 21, 1911, are hereby amended so as to read as follows:

Appoint-ment of attendance officers and assistants for cities.

Sec. 4. The board of education of any city, or city and county, may appoint and remove at pleasure an attendance officer, and assistant attendance officers of such city, or city and county, or the board of school trustees of any school district having an average daily attendance of at least three hundred children, according to the official school record of the preceding school year, may appoint and remove at pleasure one attendance officer, and assistant attendance officers, and shall fix his or their compensation payable from the county or special school fund of such city, or city and county, or school district, and shall prescribe their duties, not inconsistent with law, and make rules and regulations for the performance thereof; *provided*, that not more than one attendance officer or assistant attendance officer shall be appointed for each seven thousand five hundred average daily attendance, according to

Number.

the official school record of the preceding school term, or additional fraction thereof, greater than three thousand five hundred, in any city, or city and county, or school district in which such attendance officer and assistant attendance officers are appointed to serve. The authority appointing such attendance officer and assistant attendance officers in such city, city and county, or school district may also appoint and remove at pleasure one or more deputy attendance officers, to serve without compensation. The board of supervisors of any county, unless provision be made otherwise by statute for paid attendance officers, upon the petition of a majority of the boards of trustees of the school districts of the county which are not provided with paid school attendance officers, shall, upon the nomination of the county superintendent of schools, appoint and remove at pleasure an attendance officer and assistant attendance officers, and shall fix his or their compensation payable from the general fund of the county, and shall, upon the recommendation of the county superintendent of schools, prescribe their duties not inconsistent with law, and make rules and regulations for the performance thereof; *provided*, that not more than one attendance officer shall be appointed for each seven thousand five hundred average daily attendance in the portion of the county in which such officers shall be appointed to serve, according to the official school record of the preceding school term, or additional fraction thereof, greater than three thousand five hundred; such officers shall serve in such portions of the county as are not otherwise provided with paid attendance officers. The board of supervisors, upon the recommendation of the county superintendent of schools, may, in its discretion, appoint and remove at pleasure one or more persons to act as deputy attendance officer or officers, to serve without compensation. The actual, necessary, incidental traveling expenses of such attendance officer, and assistant attendance officers, and deputy attendance officers of such county, incurred in the performance of their duties under the direction of the county superintendent of schools, when sworn to and when approved by such superintendent, may be ordered paid by such board of supervisors, out of the general fund of the county.

Deputies

Attendance officers for school districts

Number

Deputies

Sec. 5. It shall be the duty of the attendance officer, or of any peace officer or any school officer, to arrest during school hours, without warrant, any child between eight and fifteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department or schools as a truant from instruction upon which he is lawfully required to attend within the county, city, or city and county, or school district. Such arresting officer shall forthwith deliver the child so arrested either to the parent, guardian or other person having control or charge of such child, or to the teacher from whom said child is then a truant, or if such child shall have been declared an habitual truant, he shall

Arrest of truants

Delivered to parents or teacher.

bring such child before a magistrate for commitment by him to a parental school as provided in this act. The attendance officer or other arresting officer shall report promptly such arrest, and the disposition made by him of such child to the school authorities of such city, or city and county, or school district. Any child may be reported as a truant, in the meaning of this act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness. Any child who has once been reported as a truant and who is again absent from school, without valid excuse, one or more days, or tardy on one or more days, may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been declared an habitual truant and who, in a succeeding year, is reported as a truant from school one or more days or tardy on one or more days without valid excuse, may be again declared an habitual truant.

When deemed habitual truant

Parental schools for truants, etc.

Sec. 6. The board of education of any city, or of any city and county, or the board of trustees of any school district having at least three hundred children, according to the official school record of the preceding school term, may establish schools in a manner hereinafter prescribed, or set apart in public school buildings a room or rooms for children between eight and fifteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a parental school. A parental school, as herein designated and provided for, shall be one of the primary or grammar schools of the city, or city and county, or school district and the teachers therein shall have the same qualifications and be employed and paid in the same manner as in other primary and grammar schools; but such parental school shall be established and maintained specially for the instruction therein of such pupils, between the ages of eight and fifteen years, as shall be committed thereto as provided in this act, and no pupil shall be committed to, or required to attend, such school, except as in this act provided. Said board of education or board of trustees may make such special rules and regulations for the government of a parental school as shall be consistent with the provisions and purposes of this act, and not contrary to law. Such board may provide for the detention, maintenance and instruction of such children in such schools; and the county superintendent of schools, or such board, or the city superintendent of schools in any city, or city and county, or board of trustees, may, after reasonable notice to any such child, and an opportunity for the child to be heard, and with the consent of the parent, guardian or other person having control or charge of such child, order such child to attend such school, or to be detained and maintained therein for

Location.

For children between 8 and 15.

Regulations.

such period and under such rules and regulations as such board may prescribe, not exceeding the remainder of the school year. If such parent, guardian, or person having control or charge of such child shall not consent to such order, such child may be proceeded against under this act. If any child in any city, or city and county or school district in which a parental school shall be established, shall be an habitual truant, or be irregular in attendance at school, within the meaning of these terms, as defined in this act, or shall be insubordinate or disorderly during attendance at school, it shall be the duty of the attendance officer, or of the secretary of the board of education or clerk of the board of trustees, if there be no attendance officer, to make and file a complaint against such child in the proper court, charging the fact, and to see that such charge is prosecuted by the proper authority; and if the court, upon the hearing of such complaint, shall find that such charge is sustained, the court shall render judgment that such child be committed to, and be detained and maintained in, a parental school in such city, or city and county, or school district for a term not to exceed the remainder of the current school year; *provided*, that if any child in any district of a county where there is not a parental school shall be an habitual truant, or be irregular in attendance at school, within the meaning of those terms as defined in this act, or shall be insubordinate or disorderly during attendance at school, it shall be the duty of the county superintendent of schools to make and file a complaint against such child in the superior court of such county, charging the facts; and if the court, upon the hearing of said complaint, shall find that such charge is sustained by the evidence, the court shall render judgment that such child shall be detained and maintained in a parental school, if there be one in such county, during the remainder of the school term, and if there be no parental school in such county, the court shall render judgment that the parent, guardian or person having the control or charge of such child shall deliver such child at the beginning of each school day for the remainder of the school term, at the school from which such child is then a truant; *provided*, that if the parent, guardian, or other person having control or charge of such child shall, within three days after the rendition of such judgment, execute a good and sufficient bond to the board of education of the city, or city and county, or board of trustees of the district, with sufficient sureties, in the sum of two hundred dollars, conditioned that such child will, during the remainder of such current school year, regularly attend some public or private school in such city, or city and county, or school district and not be insubordinate or disorderly during such attendance, such bond to be approved by the judge of said court, and be filed with the secretary of the board of education or clerk of the board of trustees, then such court shall make an order suspending the execution of such judgment so long as the condition of such bond shall be complied with. If the condition of such bond be violated, such

Child committed to parental school by court.

If there be no parental school

Parents may execute bond for attendance

Forfeiture  
of bond.

Object of  
parental  
school.

Parole.

Expenses.

Salaries

court, upon receiving satisfactory evidence of the fact in any action brought therefor shall make an order declaring such bond forfeited and directing such judgment to be thenceforth enforced. Such board of education or board of trustees, may, at any time within one year after any such bond shall be declared forfeited, have execution issued against any or all the parties to such bond to collect the amount thereof; and all moneys paid or collected on such bond shall be paid over to the parental school fund of such city, or city and county, or school district. No fees shall be charged or received by any court or officer in any proceeding under this section. The confinement of any child in a parental school shall be conducted with a view to the improvement of the child and to its restoration, as soon as practicable, to the school which he would, if not so confined, be required to attend. The city superintendent of schools, or, if there be no city superintendent, the board of education of any city, or city and county, or county superintendent of schools, shall have authority, in their discretion, to parole at any time any child committed to, or ordered to attend, a parental school, except when such commitment shall be by judgment or order of a court; and when such commitment of any child shall be by judgment or order of a court, such court may, on the recommendation of the city superintendent of schools or the board of education or county superintendent of schools, make an order paroling such child, upon such terms and conditions as shall be specified in the order. The expense incurred by any city, or city and county, or school district in purchasing or renting a school site, erecting or renting a building and equipping the same, for the maintenance of a parental school, shall be paid out of funds other than those collected for the maintenance of schools. The salaries of teachers and the expense for all school supplies in a parental school shall be paid out of the same funds from which similar salaries and expense are paid for primary and grammar schools, but all other expense incurred in the maintenance of such parental schools shall be paid out of the parental school fund.

## CHAPTER 462.

*An act to amend section one thousand six hundred nineteen of the Political Code, relating to rights and privileges in school districts.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section sixteen hundred nineteen of the Political Code is hereby amended to read as follows:

Equal rights

1619. *First*—Boards of school trustees and city boards of education must maintain all the schools established by them for an equal length of time during the year, and, as far as

possible, with equal rights and privileges; *provided*, that boards of school trustees and city boards of education may establish and maintain vacation schools of kindergarten, elementary, or high school grade. No vacation school shall be established until a school of equal grade has been maintained for at least eight months. The duties of teachers, courses of study, length of school day, and all other matter relating to vacation schools, shall be determined by the boards of school trustees, or by the city board of education. Only teachers who are legally qualified to teach in the public schools of the state shall be eligible to teach in vacation schools of corresponding grade; *provided*, that the attendance of pupils upon such schools shall not be counted as a part of the average daily attendance of the regular elementary or secondary schools of the district, nor shall the state or county school funds be used to maintain such schools.

Vacation schools.

Qualifications of teachers.

*Second*—When in any district it is necessary for the convenience of the residents of said district that the school therein should be maintained a part of the year in one portion of the district, and a part of the year in another portion of the district, the aggregate of the time the school has been maintained in the different portions of the district shall be considered in estimating the time for which a school has been maintained in the district during the school year.

Aggregate of time of school held in different portions of district

CHAPTER 463.

*An act to amend section one thousand six hundred seventeen c of the Political Code, relating to kindergartens.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section sixteen hundred seventeen c of the Political Code is hereby amended to read as follows:

1617c. The board of education of every city, city and county, or the board of school trustees of every school district in this state, shall, upon petition of the parents or guardians of twenty-five or more children between the ages of four and one-half and six years, residing within one mile of any elementary school building situate in such city, city and county, or school district, establish and maintain a kindergarten or kindergartens; *provided*, that such kindergarten or kindergartens when first established shall be established only between the first day of June and the first day of August in any year; *and provided, further*, that after the first year in which any kindergarten or kindergartens shall have been established and maintained, that the number of kindergartens which shall be maintained in any city, or city and county, or school district,

School boards shall establish kindergartens on petition

during any particular school year, shall be determined by the governing body of the schools of such city, city and county, or school district.

Estimate of money for maintenance.

The board of education of every city, city and county, or the board of school trustees of every school district in which a kindergarten is established under the provisions of this act, shall, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, submit to the county superintendent of schools an estimate of the amount of money which will be required for the maintenance of any kindergarten or kindergartens in their several school districts for the ensuing school year.

Submitted to supervisors.

The county superintendent of schools shall thereupon examine said estimate and submit copies of the same, with his approval or disapproval endorsed thereon, to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the current year.

Tax levied if estimate approved.

If the county superintendent of schools approves such estimate, the board of supervisors shall, at the time and in the manner of levying other taxes, levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the amount so estimated and approved. The fund so levied shall be known as the kindergarten fund of ----- school district (as the case may be), and shall be available for the maintenance of the kindergarten or kindergartens established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as the moneys from state and county school funds for the maintenance of the elementary schools are drawn and paid out.

Discontinuance on account of small attendance.

If the average daily attendance in any kindergarten in any city, city and county, or school district, shall be ten or less for the school year, the governing body of such city, city and county, or school district, shall, at the close of such school year, discontinue such kindergarten. In case a city, city and county, or school district, maintains but one kindergarten, should such kindergarten be discontinued as provided by this section, the funds of such kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district, in which said kindergarten has been located; and in case any city, city and county, or school district maintains two or more kindergartens, the property and funds of a kindergarten which has been discontinued shall revert to the kindergarten or kindergartens which are still in operation in said city, city and county, or school district.

Rate of taxation permissible.

The rate of taxation which may be levied for the support of kindergartens in any one year shall not exceed ten cents on the one hundred dollars of the taxable property of such city, city and county, or school district; and such tax for the support of the kindergarten or kindergartens shall be in addition to any other taxes which may be levied for the support of the public schools.

CHAPTER 464.

*An act to amend section one thousand seven hundred forty-one of the Political Code, relating to the powers and duties of high school boards.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section one thousand seven hundred forty-one of the Political Code is hereby amended to read as follows:

1741. Except as in this article, or in article XV of this chapter, otherwise provided, the powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees in school districts. The high school board shall, at any time after its organization, have power to make arrangements for the temporary location of the high school, and if satisfactory quarters in a suitable location are offered or can be procured for a consideration, or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such quarters for a period not to exceed three years. At the expiration of such lease or other arrangement they shall have the same power to make another lease or other arrangement for the same or different quarters, for a period not exceeding three years. If rooms can be obtained in a public school building in the place where the high school is temporarily located, on reasonable terms, such rooms shall be given the preference. The high school board of any county, union or joint union high school district may provide, in such manner as they deem best, for the transportation to and from the high school of such pupils thereof as such board find to be in need of such transportation; and the cost of such transportation shall be deemed a part of the cost of maintaining the high school and paid accordingly; *provided*, that all contracts or other provision for such transportation shall before the same become effective, be approved by the superintendent of schools who has jurisdiction over such high school district. The high school board of any high school district lying wholly or partly within a county maintaining a county free library shall have power to enter into a contract or agreement with the board of supervisors of said county, whereby said high school district may secure the advantages of said county free library upon such terms and conditions as may be fixed in said contract or agreement.

Powers and duties of high school boards.

Location for school

Rooms in school building, preference.

Transportation of pupils.

Board may contract with county free library for service.

## CHAPTER 465.

*An act to add a new section to the Political Code, to be numbered section one thousand seven hundred forty-three a, relating to reports of high school principals.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand seven hundred forty-three a and to read as follows:

Report of  
high school  
principal

1743a. The principal of every high school, shall, annually, during the month of October, make out under oath and deliver to the state board of education, a full and complete report of textbooks then in use in such high school, the names of teachers employed, the subject taught by each teacher, the grade of certificate held by each, and the salary paid to each, and such other information as may be required by the state board of education.

Salary  
withheld if  
report not  
filed.

If such report is not filed with the state board of education, on or before October thirty-first, the state board of education shall notify the county superintendent of schools having jurisdiction of the high school failing to report, and it shall thereupon be the duty of such county superintendent of schools to withhold the salary of the principal of such high school until he has been notified by the state board of education that such report has been filed as required by this section.

## CHAPTER 466.

*An act to amend section sixteen hundred eighty-five of the Political Code, relating to causes for the suspension or expulsion of school children.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section sixteen hundred eighty-five of the Political Code of the State of California is hereby amended to read as follows:

Causes for  
suspension  
or expulsion

1685 Continued wilful disobedience, open and persistent defiance of the authority of the teacher, habitual profanity or vulgarity, or smoking cigarettes or having cigarettes upon school premises, constitutes good cause for suspension or expulsion from school.

CHAPTER 467

*An act to amend section one thousand six hundred and sixty-five of the Political Code of the State of California, relating to the subjects in which instruction shall be provided in the elementary schools of the state.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand six hundred and sixty-five of the Political Code of the State of California is hereby amended to read as follows:

1665. Instruction must be given in the following branches in the several grades in which they may be required, viz: reading, writing, spelling, arithmetic, geography, language and grammar, with special reference to composition; history of the United States and civil government; the necessary elements of physiology and hygiene, with special reference to the injurious effects of tobacco, alcohol and narcotics on the human system; morals and manners. In the first six grades of the elementary schools at least three-fourths of the pupil's time during each week shall be devoted to study and recitation of the subjects hereinbefore enumerated and in the seventh and eighth grades at least twelve and one-half hours of the pupil's time each week shall be devoted to the study and recitation of such subjects. From the time remaining after the study and recitation of such subjects have been provided for, instruction must be given in nature study with special reference to agriculture and bird life; physical culture, music, drawing and elementary bookkeeping, humane education, and, when competent teachers thereof can be secured and there are sufficient funds in the district to pay their salaries, manual training, vocational training and domestic science; *provided*, that instruction in elementary bookkeeping, humane education, elements of physiology and hygiene, music, drawing, and nature study may be oral, and no textbooks on these subjects shall be required; *provided, further*, that county boards of education may, in districts employing two teachers or less, confine the pupils to the studies of reading, writing, spelling, arithmetic, language and grammar, geography, history of the United States and civil government, elements of physiology and hygiene and elementary bookkeeping, until they have a practical knowledge of these subjects; *and it is further provided*, that no more than twenty recitations per week shall be required of pupils in the secondary schools, and no pupil under the age of fifteen years in any elementary school shall be required to do any home study.

Branches to be taught in grades

Time given

Subjects for remaining time

In districts employing two teachers or less

Number of recitations in secondary schools

Home study.

## CHAPTER 468.

*An act to amend section eight hundred sixty-eight of the Penal Code, relating to who may be present at an examination before a magistrate.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eight hundred sixty-eight of the Penal Code is hereby amended to read as follows:

Persons  
excluded at  
examination  
before  
magistrate.

868 The magistrate must also, upon the request of the defendant, exclude from the examination every person except his clerk, the prosecutor and his counsel, the attorney general, the district attorney of the county, the defendant and his counsel, and the officer having the defendant in custody; *provided, however*, that when the prosecuting witness is a female she shall be entitled at all times to the attendance of a person of her own sex.

## CHAPTER 469.

*An act to amend section one thousand seven hundred fifteen of the Political Code, relating to the control and location of libraries.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1715 of the Political Code is hereby amended to read as follows:

District  
School  
libraries.

1715. Libraries may be maintained under the control of the district board of trustees or city board of education, and in such case shall be open to the use of the teachers, pupils and all residents of the district. Wherever practicable, the library shall be kept open during vacation and non-school days. Whenever the county in which a district is situated shall maintain a county library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school library a branch of such county library. In such event, such board of school trustees or city board of education shall turn over the books and other property of the district library to the county library, and shall annually transfer to such county library its library fund, as soon as it is available, to be kept and expended as other funds of such county library. The said county library shall thereupon make such district library a branch library, managed and maintained according to the rules and regulations established by the authorities of the county library. In any city conducting a public library owned and managed by such city, the board of school trustees or city board of education of such city may

May become  
branch of  
county free  
library.

City schools  
may become  
branch of  
city library.

enter into an arrangement with the governing body of the public library of said city similar to the arrangement herein authorized between such school trustees or board of education and such county library.

CHAPTER 470.

*An act to amend sections seventeen hundred seventy-one, seventeen hundred seventy-two and seventeen hundred seventy-five of the Political Code, relating to the powers and duties of the county board of education.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1771 of the Political Code is hereby amended to read as follows:

1771 County boards of education have power:

1. To adopt rules and regulations, not inconsistent with the laws of this state, for their own government.

2. To prescribe and enforce rules for the examination of teachers, to examine applicants for elementary school certificates and to establish a standard of proficiency which will entitle the person examined to a certificate.

3. To grant, in accordance with sections seventeen hundred and seventy-two and seventeen hundred and seventy-five of this code, the following certificates, renewable at the option of the board:

(a) Secondary school certificates, authorizing the holders to teach in any secondary or elementary school in the county.

(b) Elementary school certificates authorizing the holders to teach in any elementary school of the county, and in the first two years of any intermediate school course established as provided in section one thousand seven hundred and fifty a of the Political Code; *provided*, that holders of elementary school certificates who have completed two years of work in a college, or one year of work in a college in addition to a normal school course, under regulations prescribed by the state board of education, may teach in the third year of any intermediate school course.

(c) Preliminary elementary school certificates, authorizing the holders to do cadet-teaching without salary in any elementary school of the county.

(d) Preliminary secondary school certificates, authorizing the holders to do cadet-teaching without salary, in any secondary school of the county.

(e) Kindergarten-primary certificates, authorizing the holders to teach in any kindergarten class in the county.

(f) Special certificates, authorizing the holders to teach in the schools of the county such branch or branches of learning

Powers of county boards of education

Examination of teachers

Granting of certificates.

Secondary school

Elementary school

Preliminary elementary school

Preliminary secondary school

Kindergarten-primary

Special certificates.

and in such grades as are named in such certificates. No special certificate shall be granted to teach in any school, a subject other than those included under the manual and fine arts, vocal and instrumental music, physical culture, agriculture, commercial branches and technical, household and industrial arts, and other vocational arts not herein specified.

Preliminary special.

(g) Preliminary special certificates, authorizing the holders to do cadet-teaching without salary, in the special branch named in such certificate, in any elementary or secondary school in the county.

Granting of permanent certificates.

4 To grant, in accordance with subdivision four of section seventeen hundred and seventy-five of this code, permanent certificates of the grade and kind designated therein. Every certificate, except a permanent certificate, shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation that has been given for a limited period only, such certificate shall not be valid for a longer period than that specified in the recommendation; *provided further*, that any preliminary elementary school certificate, or any elementary school certificate or any special certificate granted to a candidate who has not had at least one year of experience in teaching, shall not be valid for a longer period than two years. All certificates must be issued upon the blank form prepared by the superintendent of public instruction, and must have the impress of the seal of the county board of education.

Adopt book lists and apparatus.

5. To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code, *provided*, that no pupil shall be required to purchase said supplementary books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for supplementary use be purchased by pupils or parents. When supplementary books are purchased, they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of textbooks.

Supplementary books paid for by district

Revocation of certificates

6 To revoke or suspend, for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended until after a hearing before the county board of education, and then only upon the affirmative vote of at least four members of the board. All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing.

Charges against teachers to be submitted in writing.

The accused shall be given a fair and impartial hearing and shall have the right to be represented by counsel. The hearing shall be governed by, and conducted under, the rules of the board.

Impartial hearing

7. To keep a record of their proceedings.

8. To issue diplomas of graduation from any of the public elementary schools of the county, except in cities having boards of education, which diplomas shall be designed by the superintendent of public instruction, and distributed as other blanks from his office. Said diplomas of graduation shall be signed by the president and secretary of the board of education.

Diplomas of graduation

9. To adopt and use in authentication of their acts, an official seal, and to have such printing done as may be necessary in the discharge of their duties.

Adopt official seal

SEC. 2. Section 1772 of the Political Code is hereby amended to read as follows:

1772. County boards of education may, on examination, grant elementary school certificates to candidates who comply with the following requirements:

Requirements for elementary school certificate

(a) Candidates shall present satisfactory written or documentary evidence that they have completed a four-year high school course or the equivalent thereof, or give evidence of four years of successful experience in teaching. In determining such equivalent, the board may take cognizance of any adequate evidence of preparation a candidate may present.

Education or experience.

(b) Candidates shall have passed a satisfactory examination given by such county board of education, in the following studies: Reading, English grammar and composition, English and American literature, spelling and defining, penmanship, drawing, vocal music, bookkeeping, arithmetic, algebra to quadratics, plane geometry, geography (physical, political and industrial), physiology and hygiene, history of the United States, civics, history (ancient, medieval and modern), school law, methods of teaching and one of the following: Elementary physics, elementary chemistry, biology.

Subjects for examination

SEC. 3. Section 1775 of the Political Code is hereby amended as follows:

1775. (1) County boards of education may, without examination grant certificates as follows:

Certificates without examination

(a) *High school certificates*: (1) To the holders of credentials approved by the state board of education in accordance with subdivision fifth (a) of section fifteen hundred and nineteen of this code; (2) to the holders of special credentials issued by said state board in accordance with subdivision fifth (b) of section fifteen hundred and nineteen of this code; (3) to holders of high school certificates issued by any county or city and county board of education in this state.

High school

(b) *Elementary school certificates*: To holders of the following credentials: (1) Life diplomas or certificates of any state; *provided*, the state board of education in this state shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for

Elementary school

the elementary life diploma in California; (2) California state normal school diplomas, San Francisco city normal school diplomas heretofore granted, and other normal school diplomas; *provided*, that the state board of education of this state shall have recommended the normal school issuing said diploma as being of equal rank with the state normal schools of California; (3) elementary school certificates of any county, or city and county of California.

Preliminary  
elementary  
school

(c) *Preliminary elementary school certificates*: To students of a California state normal school, who present a recommendation from such normal school that such certificate be granted

Preliminary  
secondary  
school

(d) *Preliminary secondary school certificates*: To graduate students of any university accredited by the state board of education, who present a recommendation from such university that such certificate be granted.

Kindergarten-  
primary.

(e) *Kindergarten-primary certificates*: (1) To the holders of kindergarten-primary certificates of any county, or city and county, of California; (2) to the holders of diplomas of graduation from the kindergarten department of any state normal school in this state; (3) to the holders of credentials showing that the applicant has had professional kindergarten training in an institution approved by the state board of education, and also a general education equivalent to the requirements for graduation from the kindergarten department of a California state normal school

Special

(f) *Special certificates*: (1) To the holders of credentials approved by the state board of education, in accordance with subdivision fifth (c) of section fifteen hundred and nineteen of this code; (2) to the holders of special credentials issued by the state board of education, in accordance with subdivision fifth (d) of section fifteen hundred and nineteen of this code.

Preliminary  
special.

(g) *Preliminary special certificates*: To students enrolled in any vocational teachers' training course established under the laws of this state who present a recommendation from the principal of the school maintaining such course, that such certificate be granted.

Elementary  
school  
certificates  
for primary  
grade certificate holders.

(2) Elementary school certificates may be granted to the holders of primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates, or in the record of the examination upon which the original certificate was granted.

Certificates  
now valid  
continue in  
force.

(3) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this law, and now in force, and may renew certificates granted by authority of law. Except as otherwise provided, renewed certificates shall be valid for a period of six years.

(4) When the holder of any certificate or state diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade which said applicant holds, valid in the county, or city and county, in which issued, during the life of the holder, or until revoked for any of the causes designated in subdivision six of section seventeen hundred and seventy-one of this code: *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or state diploma on which the teaching has been done; and for a permanent high school certificate twenty months of said teaching shall have consisted of regular high school work; and *provided, further*, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate, if the holder of said certificate shall have complied with all the conditions of this subdivision.

Permanent certificate after five years teaching

CHAPTER 471.

*An act to establish a conservation, bird and arbor day, and to repeal an act entitled, "An act to establish a bird and arbor day," approved March 3, 1909.*

[Approved May 22, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. March seventh of each year, being the anniversary of the birthday of Luther Burbank, is hereby set apart and designated conservation, bird and arbor day. . All public schools and educational institutions are directed to observe conservation, bird and arbor day, not as a holiday, but by including in the school work of the day suitable exercises having for their object instruction as to the economic value of birds and trees, and the promotion of a spirit of protection towards them, and as to the economic value of natural resources, and the desirability of their conservation.

Bird and arbor day

Suitable exercises for schools

SEC. 2. An act entitled, "An act to establish a bird and arbor day," approved March 3, 1909, is hereby repealed.

## CHAPTER 472.

*An act to amend section seven hundred fifty-six of the Political Code of the State of California, relating to the salaries of deputy clerks of the supreme court.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven hundred and fifty-six of the Political Code is hereby amended so as to read as follows:

Salaries of  
deputy  
clerks of  
supreme  
court.

756. The annual salary of the chief deputy clerk of the supreme court shall be twenty-seven hundred dollars; the annual salary of each of the deputy clerks of the supreme court shall be twenty-one hundred dollars. The salaries of the chief deputy clerk and the deputy clerks of the supreme court shall be paid out of the state treasury in the same manner and at the same time as the salaries of other state officers are paid.

## CHAPTER 473.

*An act to amend section four thousand two hundred thirty-six of the Political Code of the State of California, relating to the salaries, fees and expenses of officers and of grand and trial jurors in counties of the seventh class*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred thirty-six of the Political Code of the State of California, is hereby amended to read as follows:

Counties of  
7th class,  
salaries of  
officers

4236. In counties of the seventh class the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office the following salaries:

County  
clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; five court clerks who shall receive salaries of one thousand five hundred dollars each per annum; two deputies who shall receive salaries of one thousand three hundred and fifty dollars each per annum; one index clerk who shall receive a salary of one thousand two hundred dollars per annum; one stenographer who shall receive a salary of one thousand and twenty dollars per annum; three copyists who shall receive

salaries of one thousand and twenty dollars each per annum, and a deputy or deputies, not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state, and then only between the first day of June and the fifteenth day of November of said year, and not more than one deputy for each precinct for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid ten cents per name for each person legally registered by them, the salaries and compensations of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one undersheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; one deputy who shall receive a salary of nine hundred dollars per annum; two service deputies who shall receive a salary of one thousand five hundred dollars each per annum; five deputies who shall receive salaries of one thousand two hundred dollars each, per annum; one stenographer who shall receive a salary of nine hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand two hundred dollars per annum; seven deputies who shall be turnkeys at the jail, whose salaries shall be one thousand and twenty dollars each, per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; and three deputies who shall be known as country deputies, who shall receive salaries of one thousand two hundred dollars each per annum. In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive a salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff. In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals, or for transacting of criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid. In counties of this class the sheriff shall not be allowed to retain for his own use any fees or mileage

for the service of any process issued out of any court of this county but such fees and mileage when collected shall be paid into the county treasury.

Recorder.

3. The recorder, three thousand six hundred dollars per annum, *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy who shall receive one thousand eight hundred dollars per annum; one index deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; one assistant index clerk who shall receive a salary of one thousand two hundred dollars per annum; one chief filing clerk who shall act as deputy registrar who shall receive a salary of one thousand five hundred dollars per annum; one assistant filing clerk who shall receive a salary of one thousand and twenty dollars per annum; three compilation clerks who shall receive salaries of one thousand and twenty dollars each, per annum; and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording all instruments or notices except maps and plats, and for copies of any records, five cents per folio.

Auditor.

4 The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of one thousand nine hundred and fifty dollars per annum; one deputy who shall receive a salary of one thousand six hundred and eighty dollars per annum; one deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; one deputy who shall receive a salary of nine hundred dollars per annum; five additional deputies at a salary of four dollars per day each, for each day employed for a period not to exceed one hundred and fifty-six days in any one year.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies, who shall be appointed by the treasurer and shall receive salaries as follows: One deputy who shall receive a salary of two thousand one hundred dollars per annum, and one deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum. The salary of the treasurer hereinabove provided shall be in full compensation for all services rendered, and the fees heretofore chargeable and collected by him for returning to the state the collateral inheritance tax and for the performance of his official duties in connection therewith shall be paid into the county treasury and be the property of said county; and said treasurer shall receive no fees, compensation or commissions of any kind or character for any service rendered by him in connection with said collateral inheritance tax.

6. The tax collector, three thousand six hundred dollars per annum and such fees as are allowed by law; one chief deputy who shall receive a salary of two thousand one hundred dollars per annum; two deputies who shall receive salaries of one thousand three hundred and fifty dollars each, per annum; two deputies who shall receive salaries of one thousand two hundred dollars each, per annum; a stenographer who shall receive a salary of one thousand and twenty dollars per annum; twelve additional clerks at a salary of four dollars per day each, for each day employed, for a period not to exceed one hundred and fifty-six days in any one year.

7. The assessor, three thousand six hundred dollars per annum, and traveling expenses incurred in the discharge of his official duties not exceeding three hundred sixty dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of sixteen hundred and fifty dollars per annum; one deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; a second deputy who shall receive a salary of one thousand two hundred dollars per annum; two deputies for a period not exceeding six months in any one year at salaries of one hundred dollars per month each; one deputy for a period not exceeding five months in any one year at a salary of one hundred dollars per month; four deputies for a period not exceeding four months in any one year, at salaries of one hundred dollars each per month; one stenographer who shall receive a salary of one thousand and twenty dollars per annum; six deputies for a period not exceeding one hundred and four days each fourth year, whose per diem shall be four dollars each when actually employed. It is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes, or road poll taxes, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section 1901 of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties. It is further provided that in counties of this class, in addition to the deputies already allowed, there shall be and is hereby allowed to the assessor, twenty deputies who shall receive salaries of four dollars per day each, five deputies who shall receive salaries of five dollars per day each, and five deputies who shall receive salaries of three dollars per day each for a period not exceeding seventy-eight days in any one year.

District  
attorney

8. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of three thousand dollars per annum; two deputy district attorneys who shall receive salaries of two thousand four hundred dollars each per annum; one deputy district attorney who shall receive a salary of two thousand dollars per annum; one deputy district attorney who shall receive a salary of one thousand eight hundred dollars per annum, and two stenographers who shall receive salaries of one thousand two hundred dollars each, per annum. It is further provided that in counties of this class the district attorney be and is hereby allowed a detective who shall receive a salary of one thousand six hundred and fifty dollars per annum.

Superin-  
tendent of  
schools.

9. The superintendent of public schools, two thousand seven hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools, one assistant superintendent, who shall receive a salary of two thousand dollars per annum; one deputy superintendent who shall receive a salary of one thousand two hundred dollars per annum and one bookkeeper who shall receive a salary of one thousand two hundred dollars per annum. In counties of this class the secretary of the county board of education shall not be paid or allowed to receive any compensation whatever for his services as secretary of such board, nor for any services rendered in connection therewith; and *provided, further*, that in counties of this class, the county school superintendent and assistant superintendent shall each receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Adminis-  
trator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Coroner

11. The coroner, one thousand five hundred dollars, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county, when called away from the county seat. It is further provided that in counties of this class there shall be and there is hereby allowed the coroner, one assistant coroner, who shall receive a salary of nine hundred dollars per annum; one autopsy surgeon to be appointed by the coroner who shall receive a salary of one thousand five hundred dollars per annum, and one summoning officer who shall, as compensation for his services, receive a fee of twenty-five cents for each and every person sworn as a coroner's juror.

Surveyor

12. The surveyor, three thousand six hundred dollars per annum, also one office deputy who shall receive a salary of one thousand eight hundred dollars per annum; one principal field deputy who shall receive a salary of one thousand eight hundred dollars per annum; one assistant field deputy in the assessor's office who shall receive a salary of one thousand two hundred dollars per annum; one assistant office deputy who shall

receive a salary of one thousand and eighty dollars per annum; three draftsmen who shall receive salaries of nine hundred dollars each per annum; two deputies, chiefs of parties, who shall receive salaries of one thousand two hundred dollars each per annum; three instrument men who shall receive salaries of nine hundred and sixty dollars each per annum, and such other assistants as may be necessary for field work, who shall receive a compensation of three dollars per diem and expenses, when working in the field.

13 In counties of this class, justices of the peace shall be compensated as follows, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Justices of  
the peace

(1) In townships having a population of twenty thousand or more, three thousand dollars per annum as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury. The board of supervisors of such county shall furnish justices of the peace in townships having a population of twenty thousand or more with suitable court rooms for said justices of the peace.

(2) In townships having a population of eight thousand and less than twenty thousand, justices of the peace shall receive the sum of one hundred dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury.

(3) In townships having a population of five thousand and less than eight thousand, justices of the peace shall receive the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury.

(4) In townships having a population of one thousand four hundred and less than five thousand, justices of the peace shall receive the sum of thirty-five dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury.

(5) In townships having a population of nine hundred and less than one thousand four hundred, justices of the peace shall receive the sum of twenty-five dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered

by them, shall be collected by them and paid monthly into the county treasury.

(6) In townships having a population of four hundred and less than nine hundred, justices of the peace shall receive the sum of ten dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury.

(7) In townships having a population of less than four hundred, justices of the peace shall receive the sum of five dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them, shall be collected by them and paid monthly into the county treasury.

Population

The population referred to in classifying townships for the purpose of regulating compensation of justices of the peace, shall be the population found and determined by multiplying the registered vote at the last general election by three and such population so determined shall be and become the official population of such township.

The legislature hereby declares that this section does not increase the incumbents' compensation and shall apply to said incumbents when this said act takes effect.

Constables.

14. In counties of this class constables shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases in lieu of fees now allowed by law, the sum of one hundred dollars per month; *provided*, that the constable shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail. The board of supervisors of counties of this class shall furnish the constables in townships having a population of twenty thousand or more with an office and with necessary and proper furniture therefor for each of said constables.

(2) In townships having a population of eight thousand and less than twenty thousand, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases the sum of fifty dollars per month; *provided*, that the constables shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

(3) In townships having a population of five thousand and less than eight thousand, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases the sum of forty-five dollars per month; *provided*, that the constables shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

(4) In townships having a population of nine hundred and less than five thousand, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases the sum of twenty-five dollars per month; *provided*, that the constables shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

(5) In townships having a population of four hundred and less than nine hundred, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases the sum of ten dollars per month; *provided*, that the constables shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

(6) In townships having a population of less than four hundred, such fees in civil cases as are now or may hereafter be allowed by law, and in all criminal cases the sum of five dollars per month; *provided*, that the constables shall be allowed actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

The population referred to in classifying townships for the purpose of regulating compensation of constables, shall be the population found and determined by multiplying the registered vote at the last general election by three and such population so determined shall be and become the official population of such township. Population.

The legislature hereby declares that this section does not increase the incumbents' compensation and shall apply to said incumbents when this said act takes effect.

15. Each member of the board of supervisors, one thousand five hundred dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also five hundred dollars per annum each and fifteen cents for each mile actually traveled in performing services as road commissioner; *provided*, that said supervisors shall not in any one year receive more than one thousand dollars each in mileage as road commissioner. Supervisors.

16. In counties of this class, grand and trial jurors in all criminal cases shall receive two dollars fifty cents per day for each day's attendance while engaged in the performance of the duties required of them and in addition thereto shall receive for each mile actually traveled in going only, while acting as such juror, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same. Jurors.

17. Bringing records down to date in any office in counties of the seventh class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the Special help for bringing records down to date

board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Deputies' appointment, salaries.

18. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly instalments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

#### CHAPTER 474.

*An act to amend section four thousand two hundred and eighty-two of the Political Code, relating to the compensation of county and township officers and the fees and mileage of grand jurors and of trial jurors in criminal cases, in counties of the fifty-third class.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and eighty-two of the Political Code of the State of California is hereby amended to read as follows:

Counties of 53rd class, salaries of officers.

4282. In counties of the fifty-third class, the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors, in any manner determined upon by said board, upon the enactment of this act, and also at the time of the formation of any new township or townships.

Classification  
of townships

Townships having a population of twelve hundred and more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than twelve hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: In townships of the first class the sum of two hundred and forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred and forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

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the peace

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officials are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, three hundred and fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session.

Supervisors

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.

16. The license collector, such compensation as the board of supervisors shall fix.

JURORS

17. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

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## CHAPTER 475.

*An act to amend section four thousand two hundred and eighty of the Political Code of the State of California, relating to the compensation of officers of counties of the fifty-first class.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred eighty of the Political Code is hereby amended to read as follows:

Counties of  
51st class,  
salaries of  
officers.

4280. In counties of the fifty-first class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years, he shall receive two thousand three hundred dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, one thousand eight hundred dollars per annum.
4. The auditor, four hundred dollars per annum.
5. The treasurer, one thousand six hundred dollars per annum.
6. The tax collector, seven hundred fifty dollars per annum.
7. The assessor, twenty-six hundred dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided,* that in counties of this class, from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the

use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section forty-two hundred ninety of the Political Code, as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office, but are intended to change the compensation of the assessor from a mixed fee and salary system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-first session of the legislature.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eight hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Classification of townships.

Townships having a population of twelve hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than twelve hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: In townships of the first class the sum of two hundred and forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred and forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for

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the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month

14. Constables, such fees as are now or may hereafter be allowed by law.

Supervisors.

15 Each supervisor, eight dollars per day while the board is in session, and mileage, from residence to the county seat at each sitting of the board, of twenty cents per mile; also twenty cents per mile for each mile actually and necessarily traveled in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars for per diem as supervisor, and he shall not in any one year receive more than three hundred dollars as road commissioner.

16. The license collector, ten per cent of all licenses collected by him.

17. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

18. Witnesses in attendance upon either the superior or justices' courts, shall receive two dollars per day and such mileage fees as may be allowed by law.

## CHAPTER 476.

*An act to amend section four thousand two hundred thirty-three of the Political Code of the State of California, relating to officers and salaries in counties of the fourth class.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred thirty-three of the Political Code of the State of California is hereby amended to read as follows:

Counties of  
4th class,  
salaries of  
officers.

4233. In counties of the fourth class county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County  
clerk.

1. The county clerk, thirty-six hundred (3600) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of eighteen hundred (1800) dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of eighteen hundred (1800) dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive

a salary of fifteen hundred (1500) dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of eighteen hundred (1800) dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of thirteen hundred and eighty (1380) dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of thirteen hundred and eighty (1380) dollars per annum; *provided, however,* that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall be "copyist in the probate department." who shall receive a salary of twelve hundred (1200) dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk; *provided, further,* that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for: two deputies who shall serve for a term of eight months who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for; also one additional deputy in each voting precinct in the county, outside of the corporate limits of municipalities containing twenty-five thousand (25,000) or more inhabitants, for the purpose of registering electors in such precincts, who shall be paid ten (10) cents per name for each elector legally registered by them; *provided,* that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff, four thousand (4000) dollars per annum; Sheriff. *provided,* that there shall be and there hereby is allowed to the sheriff one under sheriff whose salary is hereby fixed at the sum of eighteen hundred (1800) dollars per annum; also two deputies who shall each receive a salary of fifteen hundred (1500) dollars per annum; also six deputies who shall each receive a salary of thirteen hundred and twenty (1320) dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of ten hundred and twenty (1020) dollars per annum. The under sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided,*

that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

Recorder

3. The county recorder, thirty-six hundred (3600) dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of eighteen hundred (1800) dollars per annum; three deputy recorders who shall each receive a salary of twelve hundred (1200) dollars per annum; also six deputy recorders who shall each receive a salary of nine hundred (900) dollars per annum. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor

4 The county auditor, thirty-six hundred (3600) dollars per annum and said auditor may appoint one deputy auditor who shall receive a salary of eighteen hundred (1800) dollars per annum, also one deputy auditor who shall receive a salary of twelve hundred dollars per annum; also one deputy auditor to serve as such for a period of eight months in each year, who shall receive a salary of one hundred (100) dollars per month. *provided*, that for the purpose of performing the work imposed upon him in connection with the annual assessment and collection of property taxes, the auditor may be allowed six additional deputies for a period of one month who shall each receive a salary of one hundred (100) dollars per month and five additional deputies for a period of two months who shall each receive a salary of one hundred (100) dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The county treasurer, thirty-six hundred (3600) dollars per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of eighteen hundred (1800) dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred (200) dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

6. The tax collector, thirty-six hundred (3600) dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred (1800) dollars per annum; one additional deputy tax collector who shall receive a salary of fifteen hundred (1500) dollars per annum: also twelve additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred (100) dollars each per month; also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred dollars each per month; also eleven copyists who shall serve only during one and one-half months of each year, and shall each receive a salary of seventy-five (75) dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred (1500) dollars per annum.

8. The county assessor, thirty-six hundred (3600) dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of eighteen hundred (1800) dollars per annum; one supervising deputy assessor who shall receive a salary of sixteen hundred (1600) dollars per annum: one office deputy assessor who shall receive a salary of fifteen hundred (1500) dollars per annum, also twenty deputy assessors who shall serve as such during the months of March, April, May and June of each year, who shall each receive a salary of one hundred (100) dollars per month, also five additional deputy assessors who shall serve as such only during the months of March, April, May, June and July of each year who shall each receive a salary of one hundred dollars per month: two copyists who shall each receive a salary of twelve hundred (1200) dollars per annum, and also five copyists to serve as such only during four months of each year who shall receive a salary of one hundred (100) dollars each per month; one searcher of records to serve as such at a salary of twelve hundred (1200) dollars per annum; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the

same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

District  
attorney.

9. The district attorney, thirty-six hundred (3600) dollars per annum; he may appoint a chief deputy at a salary of twenty-four hundred (2400) dollars per annum; one assistant district attorney at a salary of eighteen hundred (1800) dollars per annum, one assistant district attorney at a salary of fifteen hundred (1500) dollars per annum; and a deputy district attorney at a salary of fifteen hundred (1500) dollars per annum; one detective who shall serve at a salary of fifteen hundred (1500) dollars per annum; *provided, however*, that no further or additional amounts shall be allowed for detective services without the previous consent and authority of the board of supervisors, and a clerk at a salary of twelve hundred (1200) dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Coroner and  
adminis-  
trator  
Superin-  
tendent of  
schools

10 The coroner and public administrator such fees as are now or may hereafter be allowed by law.

11. The county superintendent of schools, three thousand (3000) dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of thirteen hundred and twenty (1320) dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Surveyor

12. The county surveyor, the sum of three thousand (3000) dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of sixteen hundred (1600) dollars per annum, also one deputy who shall receive a salary of twelve hundred (1200) dollars per annum; and one deputy who shall be a draftsman whose duties shall include the preparation of maps for the county assessor at a salary of twelve hundred (1200) dollars per annum; one deputy at a salary of twelve hundred (1200) dollars per annum and one deputy at a salary of nine hundred and sixty (960) dollars per annum; and one deputy at nine hundred (900) dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties, including inspection of

roads and bridges under construction or other work performed by him or his representatives, such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

13. The fish and game warden, twelve hundred (1200) dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty (50) dollars for any one month.

Fish and game warden.

14. The board of supervisors may at any time grant such additional assistance, or pay for such additional employees or service as it deems necessary to perform any service required by or in connection with any of the foregoing county offices in counties of this class.

Additional employees

15. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

Justices of the peace.

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred and fifty (250) dollars per month as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices shall each be allowed a clerk to be appointed by the justices of the peace at a salary of one hundred (100) dollars per month, each, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

(2) In townships having a population of five thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred and thirty-seven dollars and fifty cents (\$137.50) per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of forty-four hundred and less than five thousand, justices of the peace shall each receive a salary of one hundred and thirty-five (135) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of twenty-five hundred and less than forty-four hundred, justices of the peace shall each receive a salary of seventy-five (75) dollars per month as full compensation for all services rendered by them except as hereinafter provided.

(5) In townships having a population of one thousand and less than twenty-five hundred, justices of the peace shall each receive a salary of fifty (50) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(6) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty (30) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Fees Justices of the peace in all townships in counties of the fourth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month.

Constables 16. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred (100) dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of five thousand and less than twenty thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents (\$77.50) per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of forty-four hundred and less than five thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents (\$77.50) per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

(4) In townships having a population of twenty-five hundred and less than forty-four hundred, constables shall each receive the sum of sixty (60) dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all services performed by them, they may charge and retain for their own use such fees as are chargeable at law.

(5) In townships having a population of twenty-two hundred and fifty and less than twenty-five hundred, constables shall each receive the sum of sixty (60) dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury.

(6) In townships having a population of one thousand and less than twenty-two hundred and fifty, constables shall each receive the sum of forty (40) dollars per month as salary

for all services rendered in both civil and eriminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of less than one thousand, constables shall each receive the sum of thirty (30) dollars per month as a salary for all services rendered by them in civil and criminal cases. All fees collected by them in both criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying town-<sup>Population.</sup>ships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1910; *provided, however,* that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon, the same shall be known and shall be the official census of said township or townships.

17. Each supervisor, two thousand four hundred (2400)<sup>Supervisors</sup> dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided,* that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year; *provided,* that nothing in this subdivision shall be deemed to

affect the compensation or mileage of any incumbent supervisor, but said incumbent shall be paid such compensation and allowed such mileage as is now provided and allowed by law.

Jurors.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the fourth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

#### CHAPTER 477.

*An act to amend section four thousand two hundred eighty-six of the Political Code, relating to counties of the fifty-seventh class, and salaries of officers thereof.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred eighty-six of the Political Code is hereby amended to read as follows:

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, twenty-six hundred dollars per annum.

3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, twelve hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are or may hereafter be allowed by law.

Counties of  
57th class,  
salaries of  
officers.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred and one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred and fifty and not less than three hundred and one shall belong to and be known as townships of the third class; townships having a population of not more than fifteen hundred and not less than seven hundred and fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of fifteen hundred shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

Classification of townships

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred and fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

Justices of the peace

15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meetings; three dollars per day (no mileage) as road commissioner when actually engaged in road business.

Supervisors

Official  
reporter.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a per diem of eight dollars; and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors

17. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

#### CHAPTER 478.

*An act to provide for the establishment and maintenance of a department of sanitary engineering under the direction of the state board of health and making an appropriation therefor.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Sanitary  
engineering  
department.

Director

Appropriation.

SECTION 1. The state board of health shall maintain a department of sanitary engineering which shall have charge of such matters and shall have such powers as may from time to time be referred and delegated to it by the state board of health. The board shall appoint a director of the department, who shall be a graduate sanitary engineer, whose salary shall be four thousand dollars per annum. The state board of health may employ and fix the compensation of other additional professional and clerical assistants and such compensation shall be paid from the funds provided for the maintenance of the department of sanitary engineering. The sum of thirty thousand dollars is hereby appropriated for the purpose of this act. Claims against the fund shall be audited by the state board of health and by the board of control and shall be paid by the state treasurer upon warrants drawn by the state controller.

CHAPTER 479.

*An act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.*

[Approved May 24, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred thirty-eight of the Political Code is hereby amended to read as follows:

4238. In counties of the ninth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of  
ninth class  
salaries of  
officers

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases.

3. The recorder, two thousand seven hundred and fifty dollars per annum.

4. The auditor, three thousand six hundred dollars per annum.

5. The treasurer, two thousand six hundred dollars per annum.

6. The tax collector, one thousand nine hundred dollars per annum. The tax collector shall pay all his own traveling expenses.

7. The assessor, four thousand dollars per annum. The assessor shall also receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.

8. The district attorney, three thousand six hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, three thousand three hundred dollars per annum. The superintendent of schools shall pay all his own traveling expenses when visiting the schools of this county.

12. The surveyor, twenty-four hundred dollars per annum, and actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, two hundred and fifty Justices of  
the peace

Justices of  
the peace.

dollars per month; in townships having a population of not less than five thousand nor more than twenty thousand, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, sixty dollars per month, in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided*, that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of fifteen hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceeding in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m., and during such reasonable times thereafter as may be necessary for the proper performance of his duty.

Constables.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five

thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month. In all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed. Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year. Supervisors.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund. Bonds

17. The county clerk shall have one chief deputy, at a salary of twenty-one hundred dollars per annum; three court room deputies at a salary of fifteen hundred dollars per annum each; two office deputies at a salary of twelve hundred dollars per annum each; one judgment clerk at a salary of fifteen hundred dollars per annum; one deputy who shall act as clerk to the board of supervisors at a salary of fifteen hundred dollars per annum; and a deputy or deputies not to exceed ten, for the purpose of registering electors or other emergencies, who shall Deputies.

Deputies.

be paid not to exceed three and a half dollars per diem each; also a deputy or deputies, to register electors outside of the county seat, who shall receive a compensation of eight cents for each elector registered, and shall receive no other compensation or expenses. The county recorder, one first assistant at a salary of eighteen hundred dollars per annum; one second assistant at a salary of fifteen hundred dollars per annum; two comparing or indexing clerks at a salary of twelve hundred dollars per annum each; two copyists at a salary of twelve hundred dollars per annum each; the recorder may, with the consent of the board of supervisors, hire necessary assistance in cases of emergency at a salary not to exceed three dollars and fifty cents per diem each, nor shall the aggregate salaries for such work exceed twenty-four hundred dollars in any one calendar year. The treasurer, one chief deputy at a salary of two thousand four hundred dollars per annum, and one deputy at a salary of eighteen hundred dollars per annum; and one deputy at a salary of fifteen hundred dollars per annum, and an emergency deputy or deputies, which position is hereby created at a salary of four dollars per diem; which said emergency deputy or deputies shall not receive more than twelve hundred dollars in any one calendar year. The county auditor, one chief deputy at a salary of eighteen hundred dollars per annum, one deputy at a salary of fifteen hundred dollars per annum; the auditor may, with the consent of the board of supervisors, hire necessary assistants for the purpose of extending taxes, and in cases of emergency at a salary not to exceed three and a half dollars per diem each, nor shall the aggregate salaries for such emergency work exceed six hundred dollars in any one calendar year. The district attorney, an assistant district attorney, at a salary of two thousand seven hundred dollars per annum; and one deputy district attorney, at a salary of eighteen hundred dollars per annum; and one stenographer at a salary of twenty-one hundred dollars per annum; the superintendent of schools, one deputy at a salary of twelve hundred dollars per annum. The sheriff, an under sheriff, who shall receive a salary of twenty-one hundred dollars per annum; a clerk who shall receive a salary of fifteen hundred dollars per annum; a stenographer and clerk who shall receive a salary of twelve hundred dollars per annum; two deputy sheriffs, who shall receive a salary of twelve hundred dollars per annum each. three bailiffs or court room deputies, who shall receive a salary of twelve hundred dollars per annum each; two jailers who shall receive a salary of twelve hundred dollars per annum each; one deputy sheriff for emergencies and as a guard for the working prisoners, who shall receive a salary of twelve hundred dollars per annum; and a deputy sheriff for the purpose of serving papers and other emergencies who shall be paid not to exceed three and a half dollars per diem. The county surveyor, one chief deputy, which

position is hereby created, who shall be paid a salary of eighteen hundred dollars per annum. The coroner, one deputy, which position is hereby created, who shall be paid by the coroner out of his fees. The county assessor shall have one chief deputy at a salary of twenty-one hundred dollars per annum; one draftsman at a salary of eighteen hundred dollars per annum; one stenographer and copyist at a salary of nine hundred dollars per annum; one office deputy to serve not to exceed two hundred and four days in each year at a salary of four dollars per diem; one platter to serve not to exceed one hundred and four days in each year at a salary of four dollars per diem; two office deputies for preparing assessment rolls to serve not to exceed one hundred days each in any one year at a salary of four dollars per diem each; one office deputy for preparing assessment rolls to serve not to exceed one hundred and four days in any one year at a salary of four dollars per diem; one copyist to serve not to exceed forty-three days in any one year at a salary of four dollars per diem; fifteen field deputies to serve not to exceed eighty days each in any one year at a salary of four dollars per diem each; all the deputies, assistants, emergency help and clerks herein mentioned shall be paid at the time and in the same manner that the principals are paid, and they shall be paid from the salary fund.

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. All compensations, fees, commissions and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

19. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day three dollars and fifty cents. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

## CHAPTER 480.

*An act to amend section four thousand two hundred fifty-five of the Political Code, relating to salaries and fees of officers in counties of the twenty-sixth class.*

[Approved May 24, 1915. In effect—see subdivisions 1, 2, 3, 4, 5, 7, 12.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred fifty-five of the Political Code is hereby amended to read as follows:

Counties of  
26th class,  
salaries of  
officers

4255. In counties of the twenty-sixth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County  
clerk

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk, which office of deputy county clerk is hereby created, and said deputy county clerk shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him, to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

2. The sheriff, four thousand five hundred dollars per <sup>Sheriff.</sup> annum. In counties of this class the sheriff may appoint an under-sheriff, which office of under-sheriff is hereby created, and said under-sheriff shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane, and for conveying prisoners and persons charged with being insane to court and to prison or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

3. The recorder, two thousand dollars per annum; *provided*, <sup>Recorder.</sup> that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of seven hundred and twenty dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement

showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the present incumbent.

Auditor.

4. The auditor, one thousand five hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created, to serve during the month of October in each year, and said deputy auditor shall receive as compensation for all services performed as such, during the said month of October, the sum of one hundred dollars, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the provisions of this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

Treasurer

5. The county treasurer, two thousand dollars per annum; *provided*, that in counties of this class the treasurer may appoint a deputy, which office of deputy treasurer is hereby created, and the said deputy treasurer shall receive as compensation for all services performed as such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation. *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

Tax collector.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of seven hundred and fifty dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the tax collector may appoint a cashier which office of cashier to the tax collector is hereby created, and said cashier shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time, and out of the same fund as salaries of county officers are paid; *provided*, that

such cashier shall be paid for not to exceed one hundred days in any one calendar year. All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

7. The assessor, three thousand six hundred dollars per annum; *provided*, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint six field deputies, which offices of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of four dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation: *provided, further*, that this subdivision of this section shall not go into effect or be in force during the term of the present incumbent

8. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for all services performed as

such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

Coroner 9. The coroner, such fees as are now or may hereafter be allowed by law.

Administrator 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools 11. The superintendent of schools, one thousand six hundred dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Surveyor. 12. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury, in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensation allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys, shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force during the term of office of the present incumbent.

Classification of townships 13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of nineteen hundred and ten, as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class: townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class: townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit: Justices of the peace.

1. In townships of the first class, one hundred dollars per month;
2. In townships of the second class, seventy dollars per month;
3. In townships of the third class, forty dollars per month;
4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace, in townships of the first class, shall be allowed their actual office rent and necessary incidental expenses, not to exceed the sum of twenty-five dollars for any one month.

15. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: Constables.

1. In townships of the first class, seventy-five dollars per month;
2. In townships of the second class, fifty-five dollars per month;
3. In townships of the third class, thirty dollars per month;
4. In townships of the fourth class, twenty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expense shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid. Fees.

16. Each member of the board of supervisors shall receive one thousand dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors. Supervisors

17. In counties of this class the fees of grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only. Jurors

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

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CHAPTER 481.

*An act to appropriate money to maintain the model and training schools at the several state normal schools.*

[Approved May 24, 1915. In effect July 1, 1915.]

*The people of the State of California do enact as follows:*

Appropriation model and training schools, state normals.

SECTION 1. The sum of one hundred sixty-two thousand eight hundred sixty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the several state normal schools during the sixty-seventh and sixty-eighth fiscal years for the purpose of maintaining model and training schools, said amount of money to be allotted as follows: To the Humboldt State Normal School, fifty-one hundred dollars; to the Chico State Normal School, sixteen thousand five hundred eighty dollars; to the San Francisco State Normal School, twenty-four thousand dollars; to the San Jose State Normal School, thirty-five thousand dollars; to the Fresno State Normal School, fifteen thousand four hundred twenty dollars; to the Los Angeles State Normal School, forty-five thousand dollars; and to the San Diego State Normal School, twenty-one thousand seven hundred sixty dollars.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect on the first day of July, 1915.

CHAPTER 482.

*An act to add a new section to the Political Code of the State of California to be numbered 1739a, relating to the reorganization of county high school districts.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section to be numbered 1739a is hereby added to the Political Code to read as follows:

1739a. Whenever one or more city, district or union high school districts have been organized in any county maintaining one or more county high schools, all common school districts not included in any city, district, union or joint union high school district shall constitute a union high school district, and shall be governed by a high school board elected according to the provisions of sections seventeen hundred thirty and seventeen hundred thirty-one of the Political Code; *provided*, that in any county maintaining two or more county high schools, the board of supervisors, at the next regular meeting after this act takes effect, shall organize all common school districts not included in any city, district, union or joint union high school district, into as many union high school districts as there are county high schools maintained in such county; *and provided, further*, that all funds standing to the credit of the county high school district at the time of the reorganization herein provided for, or that may be credited to such district during the current fiscal year, shall be apportioned by the county superintendent of schools to the union high school district or districts in the following manner: If only one union high school district is formed out of the territory not included in any city, district, union or joint union high school district, the county superintendent shall apportion the entire amount to the union high school district so formed. If two or more union high school districts are formed out of such territory, he shall apportion one-third of the entire amount among the union high school districts so formed, irrespective of the number of pupils enrolled or in average daily attendance therein; the remaining two-thirds he shall apportion among such schools pro rata upon the basis of average daily attendance during the preceding school year, as shown by the last official annual reports of the principals on file in the office of the county superintendent of schools. From and after the organization of the first high school board in any union high school district formed as hereinbefore provided, all property belonging to the county high school district, and located in such union high school district, shall be and become the property of the union high school district so formed.

Formation of  
new union  
high school  
districts

Funds

## CHAPTER 483.

*An act to add a new section to the Political Code of the State of California to be numbered section seventeen hundred fifty-two, relating to conventions of high school principals.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section to be numbered 1752, is hereby added to the Political Code, to read as follows:

Annual convention of high school principals.

1752. The state board of education shall have power to call, annually, a state convention of high school principals, to assemble at such time and place as the board shall deem most convenient, for the discussion of problems pertaining to the administration, organization and supervision of the public high schools, and such other subjects affecting the welfare and interest of the public high schools as shall properly be brought before it; *provided*, that in lieu of such state convention, the state board of education, after dividing the state into four convention districts, may call annually in each of such districts, a convention of the principals of high schools situated in such district. The commissioner of secondary schools shall be ex officio chairman of each convention and shall have charge of the program thereof. It is hereby made the duty of the principal of every high school to attend and take part in the proceedings of such state convention, or of the convention of the district in which his school is situated, if the state be divided into districts according to the provisions of this section. The actual traveling expenses of each principal attending such convention shall be allowed by the high school board and paid out of the funds of the high school district.

Commissioner of secondary schools, chairman.

Traveling expenses allowed.

## CHAPTER 484.

*An act to provide for the enforcement of labor laws of the State of California by the commissioner of the bureau of labor statistics.*

[Approved May 24, 1915. In effect August 3, 1915.]

*The people of the State of California do enact as follows:*

Commissioner of bureau of labor statistics to enforce labor laws.

SECTION 1. The commissioner of the bureau of labor statistics shall have authority and power to enforce any and all labor laws of the State of California, the enforcement of which is not specifically vested in any other officer, board or commission, and the deputies and agents of the said labor commissioner shall have the power and authority of sheriffs and other peace officers to make arrests, and to serve any process or notice throughout the state in the enforcement of such labor laws, pursuant to the instructions of said commissioner.

CHAPTER 485.

*An act to require employers of labor to furnish, without charge, pure drinking water to their employeecs during working hours.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Every employer of labor in this state shall, without making a charge therefor, provide fresh and pure drinking water to his employeecs during working hours. Access to such drinking water shall be permitted at reasonable and convenient times and places.

Employers must furnish pure drinking water

Any violation of the provisions of this act shall be deemed a misdemeanor and punishable for each offense by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Penalty for violation.

CHAPTER 486.

*An act to amend section 1595 of the Political Code of the State of California, relating to the calling of an election of trustees.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1595 of the Political Code is hereby amended to read as follows:

1595. Not less than ten days before the election required under section fifteen hundred and ninety-three, the trustees must post notices in three public places in the district, which notices must specify the time and place of election, and the hours during which the polls will be kept open; if the trustees neglect to call said election, then at any time between the tenth and fifth day, previous to the election any three electors of the district may call said election.

Notices of election for school trustees

## CHAPTER 487.

*An act to amend the Penal Code by adding thereto two new sections to be known and numbered as section 349b and section 349c, relating to labor unions.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section to be numbered 349b is hereby added to the Penal Code to read as follows:

Use of  
registered  
trademark

349b. Any trade union, labor association, or labor organization, organized and existing in this state, whether incorporated or not, which shall have adopted and registered a label or trademark in accordance with the provisions of section three thousand two hundred of the Political Code, shall have the exclusive right to the ownership, use and control of such label or trademark, and any person who, without having an unrevoked written authority from such trade union, labor association or labor organization, wilfully reproduces, copies, imitates, forges or counterfeits, or procures to be reproduced, copied, imitated, forged or counterfeited such label or trademark, with intent to sell or to assist other persons to sell, any goods to which such reproduced, copied, imitated, forged or counterfeited label or trademark is affixed as having been made, manufactured or produced in whole or in part by labor, laborers or employees, members of or allied or associated with such trade union, labor association or labor organization, is guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

SEC. 2. A new section to be numbered 349c is hereby added to the Penal Code to read as follows:

Misrepresentations  
regarding em-  
ployment of  
union labor

349c. Any person engaged in the production, manufacture or sale of any article of merchandise in this state, or any person engaged in the performance of any acts or services of a private, public or quasi-public nature for profit, who wilfully misrepresents or falsely states that members of trades unions, labor associations or labor organizations were engaged or employed in the manufacture, production or sale of such article or in the performance of such acts or services, when in fact labor, laborers or employees not members of trades unions, labor associations or labor organizations were exclusively used in the manufacture, production or sale of such articles or in the performance of such acts or service, shall be guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

CHAPTER 488.

*An act to amend section 1791 of the Political Code of the State of California, relating to the powers and duties of city, or city and county, boards of examination.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1791 of the Political Code is hereby amended to read as follows:

1791. Each city, or city and county, board of examination has power:

*First*—To adopt rules and regulations, not inconsistent with the laws of this state, for its own government and for the examination of teachers. Powers of boards of examination  
Adopt rules

*Second*—To examine applicants, and to prescribe a standard of proficiency which may entitle the persons examined to receive elementary school certificates; *provided*, that candidates for such certificates shall comply with all the requirements for such certificate set forth in section 1772 of this code. The board of examination shall report the result of the examination to the city, or city and county, board of education; and said board of education shall thereupon issue to the successful candidates the certificates to which they shall be entitled. Examine applicants

Such elementary school certificates shall authorize the holders thereof to teach in the elementary schools of such city, or city and county, under the same conditions and limitations as prescribed in section 1771 of this code, for the holders of elementary school certificates granted by county boards of education. Elementary school certificates.

*Third*—For immoral and unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the city, or city and county, board of education, the revocation of any certificate previously granted by said board of education in such city, or city and county. Revoke certificates.

CHAPTER 489.

*An act to amend section fifteen hundred ninety-three of the Political Code, relating to the election of school trustees.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1593 of the Political Code of the State of California is hereby amended to read as follows:

1593. *First*—An election for school trustees must be held in each school district on the first Friday of April of each year, Election for school trustees

at the district schoolhouse, if there is one, and if there is none, at the place to be designated by the board of trustees.

Number of trustees.

*Second*—The number of school trustees for any school district, except where city boards are otherwise authorized by law, shall be three. No persons shall be deemed ineligible to the office of trustee on account of sex.

Trustees in new districts

*Third*—In new school districts the school trustees shall be elected on the first Friday of April subsequent to the formation of the district, to hold office for one, two and three years, respectively, from the first day of May next succeeding their election.

Vacancies

*Fourth*—When a vacancy occurs from any of the causes specified in section nine hundred ninety-six of this code, the county superintendent of schools shall appoint a suitable person to fill such vacancy to hold office for the remainder of the unexpired term.

One trustee elected annually

*Fifth*—Except as provided in subdivisions two and three of this section, one trustee shall be elected annually, to hold office for three years from the first day of May next succeeding his election, or until his successor shall be elected, or appointed, and qualified.

#### CHAPTER 490.

*An act permitting persons in possession of state lands claiming under patent issued by the State of California, which patent incorrectly describes the land, to have an official map or plat made of such land, such map or plat to be approved by the surveyor general and filed and recorded, and providing that thereafter such owner may file a petition in the superior court of the county in which the land or part thereof is located and that after due notice to all parties whose land may be affected thereby the court may enter a decree establishing the correct descriptions and providing for the apportionment of costs incurred under a proceeding brought under this section.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

New survey for lands incorrectly described

SECTION 1. When payment has been made in full for any lands which were public lands of the state and patent has been issued therefor and the purchaser or his successor in interest has, for a period of five years, been in possession, claiming under such patent the lands intended to be described therein and thereby but which lands are incorrectly described in such patent, the party so in possession of such lands may have a new and correct survey made of the land or lands covered by such patent, the plat or map and field notes constituting such survey to be made and certified by the county surveyor of the county in which the land is located or by other licensed surveyor of the State of California.

SEC. 2. After the said map or plat and field notes constituting such survey have been made as aforesaid, the field notes and the map or plat so made shall be submitted to the surveyor general for his approval and if approved by him, he shall so certify and a copy of the same shall be filed in the office of the surveyor general and a copy recorded in the office of the county recorder of the county in which the land is situated. Such map or plat shall thereafter be and constitute the official map or plat of such land so surveyed.

New map recorded

SEC. 3. After the filing and recording of the said map or plat and field notes as aforesaid, the purchaser or his successors in interest holding lands under such patent may file a verified petition in the superior court of the county in which all or the greater part of the said property is located for the correction of the errors in such description in which petition he shall set forth a copy of the patent, together with a statement showing a correct description of the lands intended to be described therein as is shown upon the said plat or map and field notes referred to in sections one and two of this act, and praying that a decree be entered by said court confirming such descriptions as so amended. Upon the filing of such petition, the court shall set a day for the hearing thereof not less than twenty days from the date of the filing of said petition. A copy of such petition and order fixing time of hearing shall be served upon all owners of lands which are or may be affected by such decree of confirmation at least ten days before such hearing and such owners may appear upon the day fixed and oppose such petition.

Petition to court for correction.

Hearing

SEC. 4. If, after such hearing, the court is satisfied that such description as corrected are the true descriptions, it shall render a decree confirming such descriptions which thereafter shall have the same effect as if such patent described said land in accordance with such corrected description.

Decree of court

SEC. 5. The cost of making the said survey, map or plat and field notes and all other necessary costs incurred in a suit brought under this act shall be apportioned among the petitioners and owners of lands affected by such decree in such proportions as the court may deem equitable.

Cost of survey.

SEC. 6. Certified copies of the decree entered in said suit shall be filed in the office of the county recorder and in the office of the surveyor general.

Copies of decree

SEC. 7. Any number of land owners whose lands are contiguous or would be affected by such decree may unite in one petition hereunder.

Owners may unite.

## CHAPTER 491.

*An act to amend section six hundred thirty-seven of the Penal Code, providing for the construction and maintenance of fishways over or around dams and artificial obstructions.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred thirty-seven of the Penal Code is hereby amended to read as follows:

Fishways  
provided over  
or around  
dams

637. It shall be the duty of the state board of fish and game commissioners to examine, from time to time, all dams and artificial obstructions in all rivers and streams in this state naturally frequented by salmon, shad and other fish; and if, in their opinion, there is not free passage for fish over and around any dam or artificial obstruction, to notify the owners or occupants thereof to provide the same, within a specified time, with a durable and efficient fishway, of such form and capacity, and in such location as shall be determined by the state board of fish and game commissioners, or persons authorized by them, and such fishway must be completed by the owners or occupants of such dam or artificial obstruction to the satisfaction of said commissioners, within the time specified; and it shall be incumbent upon the owners or occupants of all dams or artificial obstructions, where the state board of fish and game commissioners require such fishways to be provided, to keep the same in repair and open and free from obstructions to the passage of fish at all times; and no person shall wilfully destroy, injure, or obstruct any such fishway, or at any time take or catch any salmon, shad, or other fish or trout, within one hundred and fifty feet of any fishway required by the state board of fish and game commissioners to be provided and kept open; *provided*, that the owners or occupants of any dam or artificial obstruction shall allow sufficient water at all times to pass through such fishway to keep in good condition any fish that may be planted or exist below said dam or obstruction; *provided, further*, that during the minimum flow of water in any river or stream permission may be granted by the state board of fish and game commissioners to allow the owners or occupants of any dam or artificial obstruction to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below said dam or artificial obstruction, when in the judgment of the state board of fish and game commissioners it is impracticable to pass the water through the fishway to the detriment of the owner or occupant thereof; and every person found guilty of a violation of any of the provisions of this act must be fined in a sum not less than one hundred and fifty dollars or imprisonment in the county jail of the county in which the conviction shall be had, not less than one hundred days,

To be kept  
free from  
obstructions

Penalty for  
violation

or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

After making any order to place and maintain such ladder, the state board of fish and game commissioners shall, when requested by the owners or parties in charge, fix a time and place, in the county in which the dam or artificial obstruction is situated, for the taking of evidence upon the question of the necessity of placing and maintaining such ladder, and cause notices in writing of such time and place to be served upon the owners or persons in charge of such dam or artificial obstruction. At least ten days before the day set for the hearing, and at such time and place, testimony under oath shall be taken, both on the part of the state board of fish commissioners and the owner or person in charge of such dam or artificial obstruction, if such owner or person in charge appears and offers evidence, and thereupon the state board of fish commissioners from the evidence offered shall determine whether or not the necessity for the placing and maintaining a ladder on such dam or artificial obstruction is shown, and if shown to be required and necessary, said state board of fish commissioners may direct and order the placing and maintaining such ladder. Such order to also fix the point where the ladder is to be placed and maintained, and a certified copy of such order to be served upon the owners or parties in charge of such dam or artificial obstruction.

The evidence in any investigation, inquiry or hearing, provided by this section, may be taken by any of the members of the board of fish and game commissioners, or such deputy fish and game commissioner, or employee, as the board may designate to take such evidence, and each member of the board and any of its deputies and employees designated to take evidence at the hearing provided hereby shall have the power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearings. Each witness, legally subpoenaed, attending at a hearing, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed.

The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held under authority of this section shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, as required by any subpoena issued under authority of this section. The commission or representative of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given

Hearing on necessity for fishway

Testimony

Who may take evidence.

Fees of witnesses

Refusal of witness to attend.

of the time and place of attendance of said witnesses, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or its representative, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission or its representative. The court, upon the petition of the commission or its representative, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representative. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representative, the court shall thereupon enter an order that said witness appear before the commission or its representative at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Court may direct witness to attend.

Depositions

The commission or its representative or any party may, in any investigation or hearing before the commission or its representative, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil action in the superior courts of this state and to that end may compel the attendance of witnesses and the production of documents and papers.

## CHAPTER 492.

*An act validating the action of the trustees of the state library in accepting as a gift from the heirs of the late Adolph Sutro of the city and county of San Francisco the library commonly denominated the "Sutro library," and in establishing a branch of the state library in the city and county of San Francisco, to be known as the "Sutro library."*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Acceptance of Sutro library by state library validated

SECTION 1. The action of the trustees of the state library in accepting as a gift from the heirs of the late Adolph Sutro, on behalf of the State of California, the collection of rare books and manuscripts gathered by the said Adolph Sutro is hereby approved and validated.

SEC. 2. The establishment by the trustees of the state library of a branch of the state library in the city and county of San Francisco, to be known as the "Sutro library," in which branch the said collection of rare books and manuscripts shall, in accordance with the terms of the gift, be maintained is hereby approved and validated.

CHAPTER 493.

*An act to establish a standard for California certified seed potatoes and to prevent the sale of other potatoes as California certified seed potatoes, making the violation of this act a misdemeanor and fixing a penalty therefor.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. No potatoes shall be sold in the State of California as California certified seed potatoes except those which have been inspected and certified to in accordance with the following requirements:

(a) The growing potato crop shall be inspected by an inspector who shall be appointed in accordance with the provisions of section three once during the blooming period of the plants and again as the plants begin to mature, but before forty per cent of the plants are dead. A third inspection shall be made after the crop has been harvested and graded.

(b) Potato fields showing a mixture of more than two hundred and fifty hills per acre with any other variety or varieties, or showing more than five hundred weak hills, or more than fifty hills affected with blackleg (*Bacillus phytophthorus* Appel) shall be disqualified for certification, unless such mixed and weak or diseased hills shall be removed from the fields at this time under the supervision of the inspector.

(c) At the time of the second inspection the inspector shall dig, or cause to be dug under his supervision, and weigh at least one hundred hills per acre, and if five per cent of the hills so dug shall each weigh less than thirty per cent of the weight of an average hill, the crop shall be disqualified for certification.

(d) After the crop has been graded it shall be inspected and shall meet the following requirements:

The selected potatoes after being graded shall be free from any infestation of eelworms (*Heterodera radicicola*), larva of tuber moth (*Phthorimæa operculella* Zeller), or infection of wart disease (*Synchytrium endobioticum* Pere.) or powdery scab (*Spongospora solani* Brunch.), and shall be practically free from net necrosis or infection of late blight (*Phytophthora infestans* De By.). They shall be in the judgment of the inspector free from serious infection of scab (*Oospora scabies*

Establishment of branch validated

Inspection of potato crops.

Certain fields disqualified

Certain crops, on second inspection, disqualified

Requirements after crop is graded.

Thax.) or Rhizoetonia, with not over five per cent light infection of scab (*Oospora scabies* Thax.) or ten per cent light infection of Rhizoetonia. They shall not contain more than eight per cent light infection of wilt diseases (*Fusarium oxysporum* or *Verticillium alboatrum* Reink. and Berth.), and not over two per cent of deep infection of wilt (*Fusarium oxysporum* or *Verticillium alboatrum* Reink. and Berth.). They shall also be free from any mixture of colors or distinct types, and shall be reasonably sound and free from cuts or bruises or second growth, and shall conform in shape to the varietal type. Not over five per cent of the tubers shall weigh less than one and three-fourths ounces and not over five per cent shall weigh more than twelve ounces.

Certificate  
for seed  
potatoes  
meeting  
requirements

SEC. 2. The owner of potatoes which meet the requirements as stated in section one of this act shall be given by the inspector at the time of making the last inspection a certificate stating that such potatoes have been inspected by him in accordance with the provisions of this act and that they meet all the requirements as California certified seed potatoes. All potatoes sold as California certified seed potatoes shall bear on the package or container the certificate of inspection, which shall state the net weight of contents at time of packing, the date of inspection, and the date of packing. The inspector shall determine the weight of the potatoes which have passed inspection and are eligible for certification and shall only issue to the grower, sufficient certificates to label this amount of seed.

Inspection in  
charge of  
commissioner  
of  
horticulture.

SEC. 3. The matter of inspection shall be in charge of the state commissioner of horticulture, and the cost of inspection shall be borne by the grower of the potatoes inspected.

SEC. 4. Any one who shall violate any of the provisions of this act shall upon conviction be deemed guilty of a misdemeanor, and shall be punished as provided in section nineteen of the Penal Code.

#### CHAPTER 494.

*An act to promote the safety of employces and the traveling public upon railroads by prohibiting certain persons, firms and corporations operating railroads in this state from requiring or permitting certain employces to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains, except in such cases or classes of cases as may be permitted by the railroad commission.*

[Approved May 24, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Unlawful for  
trainman to  
transmit,  
etc., orders  
for moving  
trains.

SECTION 1. It shall be unlawful for any person, firm or corporation operating a railroad with more than four trains each way every twenty-four hours, to require or permit any engineer, fireman, conductor, brakeman or trainman to receive,

deliver or transmit at any receiving or forwarding instrument of any telegraph or telephone line, any order for the movement of any train, except in such cases or classes of cases as may be permitted by the railroad commission; *provided, however*, that the foregoing provisions shall not apply to interurban or street railroads. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

CHAPTER 495.

*An act to amend section two hundred sixty-eight of the Political Code of the State of California, relating to the compensation of other officers and employces (salaries of officers and attaches of the senate and assembly).*

[Approved May 25, 1915. In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred sixty-eight of the Political Code of the State of California is hereby amended to read as follows:

268. There shall be paid to the officers and employees of the senate the following salaries: To the secretary, ten dollars per day; to the sergeant-at-arms, eight dollars per day; to one assistant secretary who shall be clerk of the committee on printing, and to the minute clerk, who shall also be clerk of the committee on rules, each, nine dollars per day; to the assistant secretaries, assistant minute clerks, journal clerk, engrossing and enrolling clerk, file clerk and history clerk, each seven dollars per day; to the assistant sergeants-at-arms, bookkeeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, assistant history clerk and assistant at desk, each five dollars per day; to the chaplain, four dollars per day; to one stenographer who shall be known as the chief stenographer, six dollars per day; to the other stenographers, each five dollars per day; to the committee clerks, each four dollars per day, excepting the one clerk of the judiciary committee and one clerk of the finance committee, shall receive each six dollars per day; postmaster, assistant postmaster, cloakroom clerk, and press mailing clerks, each four dollars per day; to the mail carriers, gatekeepers, doorkeepers, each, three dollars per day; to each page two dollars and fifty cents per day.

There shall be paid to the officers and employees of the assembly the following salaries: To the clerk, ten dollars per day; to the sergeant-at-arms, eight dollars per day; to one assistant clerk, who shall be clerk of the committee on public printing, and to the minute clerk, who shall also be clerk of the committee on rules, each, nine dollars per day; to the

Salaries of senate employees

Salaries of assembly employees.

assistant clerks, assistant minute clerks, journal clerk, engrossing and enrolling clerk, file clerk and history clerk, each seven dollars per day; to the assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, clerk to the sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, each five dollars per day; to one stenographer who shall be known as the chief stenographer, six dollars per day; to the other stenographers, each five dollars per day; to the committee clerks, each four dollars per day, except that one clerk of the ways and means committee and one clerk of the judiciary committee shall each receive six dollars per day; chaplain, postmaster and assistant postmaster, each four dollars per day; to the mail carrier, gatekeepers and doorkeepers, janitress to the ladies' cloakroom, each three dollars per day; to each page, two dollars and fifty cents per day.

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#### CHAPTER 496.

*An act to amend section two hundred five of the Code of Civil Procedure, relating to the selection and listing of jurors.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred five of the Code of Civil Procedure is hereby amended to read as follows:

Selection  
and listing  
of jurors.

205. The selections and listings shall be made of persons suitable and competent to serve as jurors, and in making such selections they shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, and not infirm or decrepit, of fair character and approved integrity, and of sound judgment.

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#### CHAPTER 497.

*An act to amend section one hundred ninety-eight of the Code of Civil Procedure, relating to qualifications of jurors.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one hundred ninety-eight of the Code of Civil Procedure is hereby amended to read as follows:

Persons  
competent to  
act as jurors

198. A person is competent to act as juror if he be:

1. A citizen of the United States of the age of twenty-one years who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned;
2. In possession of his natural faculties and of ordinary intelligence and not decrepit;
3. Possessed of sufficient knowledge of the English language.

CHAPTER 498.

*An act to regulate the use of derailing switches or other derailing devices, in the operation of railroads in the State of California; providing for the use of sign boards in connection with such derailing switches or devices for the purpose of designating the location of the same to approaching trains, their engine men and crews; providing penalties for the violation of its provisions; and providing for the enforcement of this act by the railroad commission.*

[Approved May 25, 1915. In effect January 1, 1916.]

*The people of the State of California do enact as follows:*

SECTION 1. Every common carrier by railroad operating a line of railroad within this state, or any part, branch, siding or spur track, or any other track thereof, or in connection therewith, shall be required to maintain on what is known as passing track sidings, a sign board in connection with each derailing switch or other derailing device, whether such derailer is operated where located or automatically or otherwise from a distance. Such sign board shall be placed within one hundred feet of the derailer and shall be constructed in either of two forms, viz: Board five feet high and ten inches wide, or sign constructed of two parts, one of which is an upright and the other a transverse board, said upright to be of sufficient height to securely fasten at the top thereof the transverse board, which shall be not less than two feet three inches long and seven inches wide and placed in such a manner that the upper side of said transverse board shall be not less than four feet above the ties, and shall have painted thereon the word "derail" in large black letters on a white background.

Signs in connection with derailing devices.

Construction

SEC. 2. Any corporation, company, or person, or any officer, superintendent, manager, or other agent thereof, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense; any failure, refusal or neglect to provide any such sign board at any derailing switch or device as herein specified, shall constitute a separate offense.

Penalty for violation.

SEC. 3. It shall be the duty of the railroad commission to enforce the provisions of this act.

Railroad commission to enforce

SEC. 4. This act shall be in full force and effect on and after January 1st, 1916; *provided, however*, that none of the provisions of this act shall apply to any track, siding, spur or other track owned by private persons for their own use, except when such track, siding, spur or other track is operated regularly in connection with the line of a common carrier for certain periods, in which case all of the provisions of this act shall apply; *provided further, however*, that nothing in this act shall apply to the placing of sign boards in places where physical conditions of track will not permit.

In effect when

## CHAPTER 499.

*An act prescribing a certain kind of water glass for use on steam locomotives; providing a penalty for neglect to use such glass.*

[Approved May 25, 1915. In effect January 1, 1916.]

*The people of the State of California do enact as follows:*

Kind of  
water glass  
used on  
steam  
locomotives

SECTION 1. Every steam locomotive used upon a railroad in this state, carrying passengers or freight for hire, shall be equipped with one or more water glasses of the type known as the "solid water glass," the same being a solid piece of glass with open flutings at the back thereof, which said flutings will permit the raising and falling of water in the boiler of said locomotive to be plainly visible from each side of the cab without the use of a reflector. The said glass shall not be less than seven inches in length and one and one-quarter inches in width, and five-eighths of an inch in thickness.

SEC. 2. Any person, firm or corporation operating any such steam locomotive which is not equipped with one or more water glasses as described in section one, shall be guilty of a misdemeanor.

In effect  
when

SEC. 3. This act shall take effect on and after January 1, 1916.

## CHAPTER 500.

*An act to amend section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto, is hereby amended so as to read as follows:

Powers of  
city trustees

Sec. 862. The board of trustees of said city shall have power:

Pass  
ordinances

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

Acquire  
real estate.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any water front.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein. Supply water for city use.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, and other public highways, squares and parks, and places within the city or town, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement. Manage highways

5. To construct, establish, and maintain drains and sewers Sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires. Provide fire protection.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city. Collect street poll tax.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city. Dog tax

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose exceed one dollar on each one hundred dollars; *provided, however,* that in cities which have constructed or may hereafter construct embankments, seawalls, or other works to protect such cities from overflow, said board of trustees may levy and collect annually, a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, seawalls, or other works to protect such city from overflow and for no other purpose. Property tax

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise. License business

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and Improve rivers and streams.

deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city; including the ocean front thereof, and to build and construct breakwaters, jetties, and seawalls; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bath-houses, and life-saving stations.

Municipal  
buildings

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated inside or outside of said city.

Acquire  
public  
utilities.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light, power, and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Impose fines

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Compel labor  
of prisoners.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

Maintain  
fire limits.

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

Regulate  
construction  
of buildings

16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures: to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Regulate  
advertising,  
etc

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards

or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

16c. To compel the owner, lessee or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the building or grounds, and on his default, after such notice as the board of trustees may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and by such procedure as the board of trustees may prescribe, to make such expense a lien upon such buildings or grounds.

Compel removal of dirt, weeds, etc

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees, and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Issue subpoenas

18. To expend such sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

Expend sum for music and promotion

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Other acts

## CHAPTER 501.

*An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, as amended by an act approved May 24, 1913, by amending sections two and three of said act.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, as amended by an act approved May 24, 1913, is hereby amended to read as follows:

Minimum  
crew on  
freight  
trains

Sec. 2. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state to run or permit to be run on any main track or branch line operated by it any freight, mixed or work train propelled by steam, electricity or other motive power that has not at least the following employees thereon: One engineer and one fireman for each steam locomotive where such train is propelled or drawn by steam, one motorman for each train where such train is propelled or run by electricity, and one motor or power control man for every train where such train is propelled by motive power other than steam or electricity, one conductor and two brakemen; *provided*, that on any such train running on any track which attains a grade of one per cent or less than one per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars, four brakemen for seventy-six cars and an additional brakeman for every additional twenty-five cars; *provided, further*, that on any such train running on any track which attains a grade of more than one per cent and less than one and one-half per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars and an additional brakeman for every twenty-five cars or fraction of twenty-five greater than twelve cars; *provided, further*, that any such train running on a track which attains a grade of more than one and one-half per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars and an additional brakeman for every fifteen cars or fraction of fifteen greater than seven cars.

SEC. 2. Section three of said act is hereby amended to read as follows:

Crew of self-  
propelled  
pile driver.

Sec. 3. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main

track or branch line of railroad within this state, to run or permit to be run any self-propelled pile driver, car or vehicle which has sufficient power to draw or propel itself and one or more standard cars, or any train propelled or drawn by steam, electricity or other motive power other than those trains described in sections one and two of this act that have not at least the following named employees thereon: One engineer and one fireman for each steam locomotive where such train is propelled by steam, one motorman for every train where such train is propelled or drawn by electricity and one motor or power control man for each train propelled by other motive power than steam or electricity and one steam engineer or one motor or power control man for each self-propelled pile driver or other self-propelled vehicle which has sufficient power to draw or propel itself and one or more standard cars, one conductor and one brakeman; *provided*, that nothing in this act contained shall apply to a locomotive or locomotives without cars, except that each locomotive must have one engineer and one fireman when being moved in train under steam, unless engine is disabled, nor shall this act apply to any relief or wrecking train in any case where a sufficient number of employees to comply with this section are not available for service on such relief or wrecking train; *provided, however*, that the provisions of section three of this act with reference to self-propelled pile driver, car or vehicle which has sufficient power to draw or propel itself and one or more standard cars shall apply to such self-propelled pile driver, car or vehicle only when self-propelled pile driver, car or vehicle is moved under its own power from one permanent station or permanent siding to place of work where the distance between said station or siding to place of work is one-half mile or more.

CHAPTER 502.

*An act to amend section 4142a of the Political Code, relating to the time when contracts, plans and specifications may be returned or destroyed by recorders.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 4142a of the Political Code is hereby amended to read as follows:

4142a. After the expiration of two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans and specifications under which the work or improvement was performed may be returned by the recorder to the person filing the same unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the

Building  
plans, etc.  
to be  
returned by  
recorders.

property affected thereby; *provided*, that after the expiration of five years from the date of filing in the recorder's office of any contract, plans and specifications of any building or improvement, the recorder may destroy such contract, plans and specifications if the same have not been delivered as hereinabove provided, unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the property affected thereby.

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### CHAPTER 503.

*An act to amend section one thousand five hundred thirty-nine of the Code of Civil Procedure, relating to the service of orders to show cause.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand five hundred thirty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Service of  
orders to  
show cause.

1539. A copy of the order to show cause must be personally served on all persons interested in the estate, any general guardian of a minor so interested, and any legatee, or devisee, or heir of the decedent, provided they are residents of the county, at least ten days before the time appointed for hearing the petition, or be published four successive weeks in such newspaper in the county as the court or judge shall direct; *provided, however*, that when it appears from the inventory and appraisalment that the value of the whole estate does not exceed the sum of two hundred and fifty dollars, the court, or a judge thereof, may at his discretion order in lieu of publication that notices of the hearing thereof be posted in at least three public places in the county. If all persons interested in the estate join in the petition for the sale, or signify in writing their assent thereto, the notice may be dispensed with, and the hearing may be had at any time.

CHAPTER 504.

*An act to amend section one thousand five hundred forty-seven of the Code of Civil Procedure, relating to notices of sale at public auction.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1547 of the Code of Civil Procedure is hereby amended to read as follows:

1547. When a sale is ordered, and is to be made at public auction, notice of the time and place of sale must be posted in three of the most public places in the county in which the land is situated, and published in a newspaper, if there be one printed in the same county, but if none, then in such paper as the court may direct, for three weeks successively next before the sale; *provided, however*, that when it appears from the inventory and appraisement that the value of the whole estate does not exceed two hundred and fifty dollars the court, or a judge, thereof may in his discretion dispense with the publication in a newspaper and order notices be posted. The lands and tenements to be sold must be described with common certainty in the notice.

Posting of public auction & the notice

CHAPTER 505.

*An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.*

[Approved May 25, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in, and included within a municipal corporation under "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the acts amendatory thereof, the certified record whereof, showing the facts required in said act, shall have heretofore been filed by the secretary of state as required in said act, is hereby declared to be and to have been since the filing of said record, duly annexed to, incorporated in, and included within such municipal corporation; and all proceedings for the annexation of such territory are hereby validated and declared legal.

Annexation of territory to cities validated.

## CHAPTER 506.

*An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes." approved March 31, 1897, amending section seventy-eight thereof.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seventy-eight of said act is amended to read as follows:

Power of  
board to  
exclude  
lands from  
irrigation  
district

Sec. 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom, which can not be irrigated from, or which are not susceptible to, irrigation from a common source or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands in said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works; *provided*, that no land irrigated by means of water, pumped from an underground source or sources shall be entitled to exclusion from any irrigation district on account of being so irrigated, if it shall be shown that such land is or will be substantially benefited by subirrigation from the works of said district or by drainage works provided or required by law to be provided by said district, but no owner of land in any irrigation district shall be required to pay any assessment, except for the payment of interest and principal due on bonds of the district, on any land in such district which, when the district was organized, was irrigated by means of water pumped from an underground source or sources and has continued each year to be irrigated exclusively by such means.

CHAPTER 507.

*An act to legalize bonds issued and to be issued and sold by irrigation districts.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. In all cases subsequent to January 1, 1910, where the board of directors of any irrigation district in the State of California has passed a resolution calling an election for the purpose of submitting to the qualified electors of such irrigation district the question of whether or not bonds of such district should be issued for any purpose and where at such election four-fifths of all the qualified electors voting at such election shall have voted in favor of issuing such bonds and such board of directors shall have passed a resolution or order providing for the issuing of such bonds, the power of such irrigation district to issue such bonds and all the acts and proceedings of such irrigation district leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and all such bonds sold either before or after the passage of this act are hereby legalized and declared to be legal and valid obligations of and against such irrigation district so issuing and selling the same.

irrigation district bonds legalized

CHAPTER 508.

*An act to amend section one thousand two hundred ten of the Political Code, relating to sample ballots.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand two hundred ten of the Political Code is hereby amended to read as follows:

1210. The county clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballots provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters not more than twenty-five, nor less than ten days before the day fixed by law for such election, and shall have all of the same mailed at least seven whole days before the day of election; *provided*, that not more than one sample ballot shall be furnished

printing and distribution of sample ballots.

to any one voter; and further provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration. Such clerk or secretary shall also enclose in the envelope with each of said ballots a card stating the location of the precinct polling place of each elector. Only official matter shall be sent out in such envelope. Such clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections twelve hundred fourteen and twelve hundred fifteen of this code, and section sixty-one of the Penal Code, shall also be printed on each of said cards.

#### CHAPTER 509.

*An act to amend section twelve hundred eighty-two of the Political Code by adding thereto a new paragraph to be numbered number six, relating to the disregarding of votes cast at elections where persons receive less than one per cent of the votes cast for election to offices.*

[Approved May 26, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred eighty-two of the Political Code is hereby amended to read as follows:

1282. The clerk of the board must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

1. The whole number of votes cast in the county;
2. The names of the persons voted for, and the propositions voted upon;
3. The office to fill which each person was voted for;
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions;
5. The number of votes given in the county to each of such persons, and for and against each of such propositions voted upon.

Statement  
of votes  
cast.

"Scattering"  
vote

6. Provided, however, that when it appears that the total number of votes cast for any person to fill an office to be filled by the votes of a single county, or subdivision thereof, amounts to less than one per cent of the total number of votes cast for such office, then in that event no record shall be kept of the

vote cast for any such person, but all of the votes cast for all of such persons for such office shall be totaled, and such total shall be entered in the statement of the number of votes cast for the several candidates for such office, opposite the word "scattering."

CHAPTER 510.

*An act to amend section twenty-one hundred eighty-five c of the Political Code, relating to the commitment of inebriates and drug habitues to state hospitals.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twenty-one hundred eighty-five c of the Political Code of the State of California is hereby amended to read as follows:

2185c. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of sections 2169

Arrest of  
inebriates  
and drug  
habitués.

May be  
confined in  
hospital

and 2170 of the Political Code. The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, must make an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the financial condition of the patient and of the persons legally liable for his maintenance, as far as can be ascertained, *provided*, that before a person shall be committed to a state hospital, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his or her habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment; *and provided, further*, that no person who has heretofore been committed under the provisions of this section as an intemperate user of narcotics, and who has been discharged or has escaped, shall be again committed to any state hospital unless permission for such recommitment be first obtained from the medical superintendent thereof. Such order and statement shall be in substantially the form provided by section 2171 of the Political Code for the commitment of insane persons. The court shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled by the medical superintendent under the same rules and conditions that the insane are paroled; *and provided, further*, that the state commission in lunacy shall be given the same power to discharge any person committed under this act as contained in section 2189 of the Political Code, upon the recommendation of the hospital superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment. Such person shall be delivered to the state hospital for the insane to which he has been committed in compliance with the provisions of section 2172 of the Political Code, providing for the commitment and deliverance of an insane person.

Re-commit-  
ment of  
persons  
discharged

CHAPTER 511.

*An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. All weeds growing upon the streets or sidewalks or upon private property within municipalities, which bear seeds of a wingy or downy nature or attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous may be declared to be a public nuisance by the legislative body of any municipality, and thereafter abated as in this act provided. Weeds may be declared public nuisance.

SEC. 2. Whenever any such weeds are growing upon any street or sidewalk or private property the legislative body of any municipality may, by resolution, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which said nuisance exists by giving the lot and block number of the same according to the official map, or the assessment map of such municipality used for describing property on tax bills; and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one and the same resolution. Resolution.

SEC. 3. After the passage of said resolution, the street superintendent shall cause to be conspicuously posted in front of the property on which or in front of which such nuisance exists, at not more than one hundred feet in distance apart, but not less than three in all, notices headed "notice to destroy weeds," such heading to be in words not less than one inch in height and substantially in the following form: Notice posted

NOTICE TO DESTROY WEEDS.

Notice is hereby given that on the ---- day of -----, 19----, the (name of the legislative body) passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on ----- street, in said -----, and more particularly described in said resolution, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the (name of the legislative body) of said (city or town) to be held (give date), when their objections will be heard and given due consideration.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

-----  
Street superintendent (city or town of -----).

Said notices shall be posted at least five days prior to the time for hearing objections by the legislative body of the municipality.

Hearing

SEC. 4. At the time stated in the notices, the legislative body of the municipality shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time. Upon the conclusion of said hearing the legislative body, by motion or resolution shall allow or overrule any or all objections, whereupon the legislative body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal, and the decision of the legislative body on the matter shall be deemed final and conclusive.

Order to  
abate  
nuisance.

SEC. 5. After final action has been taken by the legislative body on the disposition of any protests or objections, or in case no protests or objections have been received, the legislative body of the municipality, by motion or resolution, shall order the street superintendent to abate said nuisance by having the weeds referred to removed, and he and his assistants or deputies are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such weeds removed at his own expense providing the same is done prior to the arrival of the street superintendent or his representatives to do the same.

Report of  
street super-  
intendent

SEC. 6. The street superintendent shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by him or his deputies, and shall render an itemized report in writing to the legislative body of the municipality showing the cost of removing such weeds on each separate lot, or in front thereof, or both; *provided*, that before said report is submitted to said legislative body, copy of the same shall be posted for at least three days prior thereto on or near the chamber door of said legislative body, together with a notice of the time when said report shall be submitted to the legislative body for confirmation.

Costs to  
constitute  
special  
assessments.

SEC. 7. At the time fixed for receiving and considering said report, the legislative body shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such

nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcels of land and as thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively. After confirmation of said report, a copy shall be turned over to the assessor and the tax collector of such municipality, whereupon it shall be the duty of said officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

CHAPTER 512.

*An act to amend section eleven hundred and four of the Political Code, relating to the registration of voters.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eleven hundred and four of the Political Code is hereby amended to read as follows:

1104. No person must cause himself to be registered or enrolled in one county when his registration in another remains uncanceled; *provided, however,* that any such person who is registered in one county may, if otherwise legally qualified, cause himself to be registered in another county in which he may then reside, at any time before the closing of registration for any election, by executing an affidavit of cancellation and delivering the same to the officer taking such new registration. It shall be the duty of the county clerk to at once forward such affidavit of cancellation to the county clerk of the county in which such old registration is still uncanceled, and upon receipt of such affidavit such former registration must be forthwith canceled.

Cancellation of registration in one county before registration in another

## CHAPTER 513.

*An act to amend section twelve hundred eighty-four of the Political Code, relating to certificates of election.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred eighty-four of the Political code is hereby amended to read as follows:

Certificate  
of election

1284. The county clerk must immediately make out and deliver to each of such persons voted for only in that county (except to those persons elected to the office of representative in congress, member of state board of equalization, superior judge, state senator or assemblyman), a certificate of election, signed by him, and duly authenticated.

## CHAPTER 514.

*An act to amend section 1188 of the Political Code, relating to the nomination of candidates otherwise than by primary election.*

[Approved May 23, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1188 of the Political Code is hereby amended to read as follows:

Nomination  
of candidates  
otherwise  
than by  
primary  
election

1188. A candidate for any public office for which no non-partisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: A nomination paper containing the name of the candidate to be nominated, with other information required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made, subject to the restrictions contained in said direct primary law. For the purposes of this section the provisions of said direct primary law, as said sections apply to the nominees for non-partisan offices, shall substantially govern as to the manner of the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures, and the filing thereof with the county clerk, or the certification thereto by the county clerk and transmission thereof to the

secretary of state or to the city clerk or secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of a filing fee, and all other things necessary to get the name of a candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election or a special election and not on the ballot for nomination at a primary election. In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof did not declare his affiliation with any political party at the primary election immediately preceding; *provided*, that this statement shall be omitted in case no candidate was nominated at said primary election for the public office mentioned in said nomination paper.

Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of section 1197 of this code.

CHAPTER 515.

*An act to amend the Political Code of the State of California by adding a new section thereto to be designated section eleven hundred and ninety-three and by repealing section eleven hundred and ninety-one thereof both relating to the preservation and subsequent destruction of nomination papers.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be designated section 1193 and to read as follows:

1193. The secretary of state, the county clerk, and the clerk or secretary of the legislative body of any municipality shall preserve for a period of two years in their respective offices all nomination papers filed therein under the provisions of law, and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending.

Length of  
time for  
preserving  
nomination  
papers.

SEC. 2. Section 1191 of the Political Code is hereby repealed.

Repealed.

## CHAPTER 516.

*An act to amend section eleven hundred and forty-nine of the Political Code, relating to posting at polling places of copies of index to affidavits of registration.*

[Approved May 23, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eleven hundred and forty-nine of the Political Code is hereby amended to read as follows:

Indexes to  
registration  
at polls

1149. Before opening the polls the board must post in separate convenient places, at or near the polling place and easy of access to the electors, not less than four of the copies of the index to the book of affidavits of registration furnished for that precinct.

## CHAPTER 517.

*An act to amend section 1211 of the Political Code, relating to the marking of election ballots.*

[Approved May 23, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1211 of the Political Code is hereby amended to read as follows:

Marking of  
ballots

1211. 1. In canvassing the votes any ballot which is not marked by the elector as provided by law shall be void; but such ballot must be preserved and returned with the other ballots; *provided, however*, that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for such name for the office under which it is written; *provided*, it is written in the blank space therefor, whether or not a cross (X) is stamped, or made with pen or pencil, in the voting square after the name so written.

When vote  
not counted  
for certain  
office

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does not invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot. Identifying  
mark  
invalidates  
ballot.

CHAPTER 518.

*An act to amend section seven hundred seventy-eight of the Political Code, relating to contract for the publishing of supreme and district courts of appeal reports.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 778 of the Political Code is hereby amended to read as follows:

778. The reporter shall have no pecuniary interest in the volumes of reports, but they must be published under the supervision of the court and reporter, by contract, to be entered into by the reporter, secretary of state, and attorney general, with the person or persons who shall agree to publish and sell the said reports, for a period of five years, on the terms most advantageous to the state and the public, and at a rate not to exceed four dollars per volume of seven hundred pages. Publication  
of supreme  
and district  
courts of  
appeal  
reports.

CHAPTER 519.

*An act to amend section two of an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and amended by act approved May 1, 1911.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 2 of an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and amended by act approved May 1, 1911, is hereby amended to read as follows:

Sec 2. The members of said board shall act without compensation, but shall be allowed their actual necessary expenses. The said board may appoint a secretary and such other employees as it may deem necessary to carry out the provisions of this act, and shall determine their salaries. The secretary of said board shall execute a bond in the sum of five thousand (\$5,000.00) dollars, and take the oath of office prescribed by Expenses  
allowed.  
  
Bond of  
secretary

Office the Political Code for the executive officers of this state. The board shall provide itself with an office in the city and county of San Francisco. Meetings of the board may be held at such times and in such places in the State of California as said board may deem fit. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and may fix the number of members necessary to constitute a quorum. The failure of a member to attend three consecutive meetings of said board during any calendar year, unless excused by formal vote of the board, may be construed by the governor as a resignation of said non-attending member

Non-attendance deemed resignation.

## CHAPTER 520.

*An act to amend section 10 of an act entitled, "An act relating to immigrants and immigration, creating a commission of immigration and housing, providing for the employment by said commission of a secretary, agents and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, providing for the investigation by said commission of all things affecting immigrants, and for the care, protection and welfare of immigrants, and making an appropriation for the purpose of carrying out the provisions hereof," approved June 12, 1913, statutes of California of 1913, page 608.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section ten of an act entitled "An act relating to immigrants and immigration, creating a commission of immigration and housing, providing for the employment by said commissioner of a secretary, agents, and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, providing for the investigation by said commission of all things affecting immigrants, and making an appropriation for the purpose of carrying out the provisions hereof," approved June 12, 1913, statutes of California of 1913, page 608, is hereby amended to read as follows:

Hearings

Sec. 10. For the purpose of carrying out to the fullest extent the provisions hereof, the said commission or any member thereof shall have power to hold hearings for the purpose of investigation or inquiry, and for the purpose of reaching an amicable settlement of controversies existing between persons, firms, and corporations mentioned herein; and to this end and purpose, the said commissioners and each of them

and such person as may be designated in writing by said commission, are hereby authorized and empowered to subpoena witnesses to appear at such hearings and to administer oaths. No decision shall be termed to be final until ratified and approved by the said commission and filed in its office.

Commission may subpoena witnesses.

CHAPTER 521.

*An act to amend section ten of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, as amended February 27, 1893.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section ten of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, as amended February 27, 1893, is hereby amended to read as follows:

Sec. 10. The members of the board shall receive no compensation for their services, but shall be allowed their reasonable expenses incurred while in the discharge of their official duties. The salaries or wages of all officers or employes of the school shall be fixed by the board in accordance with law.

Expenses allowed

Salaries of employes

CHAPTER 522.

*An act to amend sections eleven hundred thirty-one, eleven hundred thirty-two, eleven hundred forty-two and eleven hundred fifty-one of the Political Code, relating to elections, to add a new section to the Political Code, to be known as section eleven hundred forty-two a, relating to the same subject, and to repeal section eleven hundred forty-four of the Political Code.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section eleven hundred thirty-one of the Political Code is hereby amended to read as follows:

1131. The county clerk or registrar of voters in each county or city and county shall at least twenty-five days prior to any election, or primary election, file in his office a notice of the date of such election and the offices to be filled naming and numbering them in numerical order, unexpired terms or short

Notice of election in county clerk's office

Election officers designated

Polling place not to be a saloon

Copy of notice posted at polling place

terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling place therein where the voting for such election shall be had, but in no event shall such polling place be a saloon or other place where intoxicating liquor is sold or dispensed, nor shall such polling place be connected by a door, window or other opening with a saloon or other room or place where such liquor is sold or dispensed. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office and shall send or deliver one copy to the inspector appointed for each precinct who shall cause the same to be posted at or near the polling place in that precinct in which such inspector is to act. The duties imposed by this section and by sections eleven hundred forty-two, eleven hundred forty-two a, and eleven hundred fifty-one of this code upon the county clerk or registrar of voters shall in all municipal elections, and in all elections in which only the electors of one municipality or a portion thereof vote be performed by the city clerk, registrar of voters or similar officer of such municipality.

SEC. 2. Section eleven hundred thirty-two of the Political Code is hereby amended to read as follows:

Justice of peace may act in case election officers are not designated

1132. If the election officers for any precinct or the polling place therein have not been designated by the tenth day prior to any election the justice of the peace having jurisdiction over that territory comprising such precinct shall immediately make an order in writing designating the election officers for that precinct or the polling place therein, as the case may require, and notify such officers of their appointment. He shall at the same time send one copy of his order to the officer who should have designated such officers and polling place, and shall cause copies of his order to be posted in three public places in the precinct and send one copy thereof to the inspector appointed for that precinct who shall cause the same to be posted at or near such polling place. In the event that more than one justice of the peace has jurisdiction over the territory comprising any precinct any one of such justices may make such order and in the event of a conflict the order first posted shall control. If the justice of the peace fails to perform the duty herein imposed upon him, the inspector, if one shall have been appointed, shall perform such duty. If any of the members appointed on an election board do not attend at the opening of the polls on the morning of an election, those qualified electors present, including members of the board, shall appoint a qualified elector to fill the vacancy, and if none of the members appointed appear at such time the qualified electors of the precinct present at that time may appoint a board. If for any reason the polling place designated for any precinct can not be used, the board of election acting for that precinct on the day of the election shall designate another

In case more than one justice has jurisdiction

If members of election board do not appear

If polling place cannot be used

polling place as near thereto as possible. post notice of the change on or near the place first designated and conduct the election at the place last designated.

SEC. 3 Section eleven hundred forty-two of the Political Code is hereby amended to read as follows:

1142. At each election or primary election the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges, and three clerks; *provided*, that in any precinct in which the total registration does not exceed one hundred electors the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; *provided*, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed.

Boards of election

At least sixty days before any election the board of supervisors, or other board having charge and control of elections shall cause to be published for three times in a daily newspaper, if any, published in the county or in the political subdivision in which such election is held, and in case there is no daily newspaper published therein, then twice in a weekly newspaper published in said county or subdivision; and shall also cause to be posted in some prominent place in various precincts distributed throughout the county or political subdivision in which the election is to be held, a notice in substantially the following form:

Supervisors shall advertise for applicants for election officers

WANTED

Form

APPLICATIONS FOR POSITIONS AS ELECTION OFFICERS.

The board of supervisors (or other board, as the case may be) is about to appoint election officers to have charge of the ----- election to be held, on the ----- day of -----, 19----

In order to secure the most capable and efficient election officers possible for this and subsequent elections, the board is desirous of learning the names of men and women of each precinct, of clerical ability or otherwise qualified who are willing to serve as election officers.

Blanks for "Application to serve as election officer" may be procured at ----- (some office, place of business, or residence in locality) or upon written application to -----, and must be filled out and mailed to ----- on or before -----, 19----.  
Dated -----

Board of supervisors (or other board) of ----- county.

By-----

Any person willing to serve as election officer may, at least forty days before any election, file, in the office of the board

Filing of application

of supervisors or other board having charge or control of elections within the county, or city and county in which he or she resides, an application therefor, which shall be filled out in ink upon a blank prepared and furnished by said board, and in substantially the following form:

Form

APPLICATION TO SERVE AS ELECTION OFFICER.

STATE OF CALIFORNIA, }  
County of \_\_\_\_\_ } ss.

My name in full is \_\_\_\_\_;  
my actual residence is \_\_\_\_\_;  
my age is \_\_\_\_\_; my occupation is \_\_\_\_\_;  
I am employed at \_\_\_\_\_  
(Give place of employment)

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer, by the county, city and county, or incorporated city or town in which I now reside.

I have \_\_\_\_\_ acted as an election officer at an election.  
(If applicant has previously acted as an election officer he shall state the time and place when he so acted and the nature of the office held, otherwise he shall insert the word "not" after the word "have".)

I have \_\_\_\_\_ passed a civil service examination.  
(If applicant has previously passed such examination he shall state the time and place thereof and the position for which it was held, otherwise he shall insert the word "not" after the word "have".)

My education has been as follows:  
(State briefly)

My experience in clerical work has been as follows:  
(State briefly)

For further information, I would refer to the following:

-----  
-----  
-----

(Names and addresses of two or three well known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county). I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

-----  
Signature of applicant.

In case of municipal elections.

In the case of municipal elections and in all elections in which only the electors of one municipality or a portion thereof vote, the duties herein imposed upon the board of supervisors shall be performed by, and such applications shall be filed with the city council or other board having charge and control of the elections of such municipality. Any application once filed and approved shall be considered as an application for any election held within the territory to which such application applies on or after the fortieth day thereafter and while the then open and current registration is

operative; *provided, however*, that for any election held on or after the first day of January of an even-numbered year and before the first day of April of that year such application shall be available, and for such election the board charged with the duty of appointing election officers may appoint as such officers those who are upon the register which will be used at that election if at the time of their appointment they still reside in the precinct for which they are appointed and are otherwise competent to act.

At least thirty-five days before any election, the board of supervisors or other board having charge and control of elections, shall arrange by precincts all the applications to serve as election officer on file in their office, and shall examine such applications and make such further investigations as shall indicate what persons are best qualified to serve as election officers in each precinct. If among the applicants approved there are not sufficient to constitute an election board for any precinct, there shall be added the names of other qualified electors, registered from that precinct and fitted to serve as election officers. In adding such names, preference shall be given to those who are known to have already served with ability as election officers. The clerk of the board of supervisors or other board having charge and control of elections shall forthwith communicate with not less than six, nor more than twelve, of those approved to serve as election officers of each precinct, and shall enclose a postal card for reply made out in substantially the following form:

Arrangement of applicants by precinct

Additional names if needed.

Notification of consideration of applicants.

DEAR SIR:

In answer to your communication stating that my name is being considered as an election officer of ----- precinct for the next election, I hereby agree that, if appointed, I will serve as such election officer, and that I will be present at the opening of the polls on the morning of the election, -----, 19-----.

Form of reply.

Signed -----  
Address -----

The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, at least twenty-five days prior to an election, issue its order appointing the members of the several boards of election.

Appointment

If the election officers for any precinct, or the polling place therein, have not been designated by the fifteenth day prior to any election, the county clerk shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

Any person who, having agreed to serve and having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or

Failure to act.

Qualifications

by both such fine and imprisonment. In appointing election officers preference shall so far as possible be given to any applicant or person who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer. No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he acts and a registered and qualified elector thereof, or who has within ninety days preceding such election, been employed in any capacity, other than that of an election officer, by the county or city and county or incorporated city or town in which he resides.

Notice of appointment

Upon receiving a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each person appointed a notice that he has been appointed stating therein the date of the election and the polling place in the precinct in which he is to act. He shall also publish the names of the election officers appointed for each election precinct, in some newspaper published in the county or city and county where the election is to be held, for three successive issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice in duplicate of the persons appointed to serve as election officers in that precinct. Within five days after the receipt thereof the said inspector shall cause one of said duplicates to be posted at or near the polling place designated therein and immediately notify the county clerk or registrar of voters when he has done so. Said notice shall be substantially in the following form:

Notice to inspector

Within five days after the receipt thereof the said inspector shall cause one of said duplicates to be posted at or near the polling place designated therein and immediately notify the county clerk or registrar of voters when he has done so. Said notice shall be substantially in the following form:

Form.

OFFICE OF THE COUNTY CLERK (OR REGISTRAR OF VOTERS)

----- County of -----

NOTICE TO ELECTION OFFICERS.

To ----- inspector for ----- precinct.

The polling place for the ----- precinct at the election to be held on ----- the ----- day of ----- is ----- and the board of election for said precinct is composed of the following persons:

Position	Name	Address
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Instructions

You as inspector must before the polls are opened see that each of these persons has taken the oath required by law, and that no one is permitted to act as election officer unless he has taken such oath and actually resides in the precinct and is registered as an elector thereof and is not and has not been

employed in any capacity, other than that of an election officer, within ninety days of the election, by the county or city and county or by the incorporated city or town in which he resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the board, shall appoint in his place one who is qualified who shall take the required oath of office which will be found set forth in the poll list.

Accompanying this notice is an oath of office which you will immediately take before any officer authorized by law to administer an oath and cause the same to be returned to me with the election returns. This notice is sent you in duplicate and you will within five days after receipt hereof post one copy at or near the polling place designated herein and immediately notify me when you have done so.

-----  
County clerk (or other official).

Accompanying said notice shall be an oath in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths and before performing any of the duties required of him and which oath shall be returned to the county clerk or registrar of voters with the election returns. Said oath shall be substantially in Form the following form:

STATE OF CALIFORNIA, }  
----- County of ----- } ss.

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the board of election for ----- precinct according to the best of my ability.

-----  
Subscribed and sworn to before me this ----- day of ----- 191---

-----  
(Name and designation of official  
before whom taken.)

On or before the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or, in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the poll list for that precinct.

No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such

Oath of office

Form

Eligibility to act on election board

and who is not at the time in every respect qualified to act as such election officer, nor shall any person so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision. Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board: *provided*, that there shall always be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; *and provided, further*, that the final certificate shall be signed by a majority of the whole.

Extra duties

Canvassing  
ballots

SEC 4. A new section is hereby added to the Political Code, to be numbered section eleven hundred forty-two *a*, and to read as follows:

1142*a*. On or before January 1, 1916, the secretary of state and the attorney general shall prepare a brief digest of election laws in so far as such laws affect the duties of election officers during the casting and the canvassing of the vote. Such digest shall be in such form as will readily indicate to election officers the substance of such provisions of the Political Code or other election laws as they may find it most important to know in the performance of their duties, and shall contain in each case a reference to the section of the said code or laws, by reference to which further examination of said provisions may be made. A copy of this digest, together with such further instructions as the county clerk or registrar of voters may desire to make, shall be prepared by him and furnished to each election officer at the time of his appointment according to the provisions of section eleven hundred forty-two of this code.

Digest of  
election  
laws.

SEC 5. Section eleven hundred fifty-one of the Political Code is hereby amended to read as follows:

1151 The city council or other board having charge and control of the elections of any municipality shall appoint a board of election for each special election or consolidated election precinct to consist of two inspectors, two judges and two clerks for each municipal election provided for by section ten hundred forty-four of this code, held within that municipality, and the board of supervisors or other board having charge and control of elections shall appoint a board of election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall

Board for  
municipal  
elections

apportion among themselves the work required in the conduct of such election within their respective election precincts: *provided*, that at any nominating or general municipal election held under the provisions of a freeholders' charter, the board or governing body charged with the conduct of such elections, may by unanimous consent, appoint a board of elections for each election precinct, to consist of one inspector, one judge, and two clerks. Except as to the advertising for or posting of, notices calling for applications to serve as election officers, and as to the receipt and filing of such applications, the members of such boards shall be appointed, and when appointed shall act, as provided for by section eleven hundred forty-two of this code. But one poll list, one tally list, and one copy of such tally list, as provided for in section twelve hundred sixty-one of this code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election.

Under freeholders' charter

One poll list, etc.

SEC. 6. Section eleven hundred forty-four of the Political Code is hereby repealed.

Repealed

CHAPTER 523.

*An act to add a new section to the Civil Code to be numbered and designated six hundred fifty-three ha, providing for the manner of calling meetings of an unincorporated society, organization or association, when the manner of calling the same is unprovided for in the constitution or by-laws of such unincorporated society, organization or association, or the officer whose duty it is to call such meeting fails or refuses so to do.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby added to the Civil Code a new section to be numbered and designated 653ha and to read as follows:

653ha. In all cases where neither the constitution nor by-laws of an unincorporated society, organization or association fixes the manner of calling meetings of such unincorporated society, organization or association, or where the officer or officers, or person or persons whose duty it is under the said constitution or by-laws to call a meeting thereof fails, neglects and refuses to call such meeting, a meeting thereof may be called by twelve members thereof in the manner following: By signing a call for such meeting, in which call the time and place of such meeting shall be stated, and giving two weeks' notice of such meeting by publication of such call in some

Method of calling meetings of unincorporated societies, etc.

newspaper of general circulation published in the county or city and county where the last preceding meeting of such society, organization or association was held, or if no such newspaper is published in such county or city and county, then in a newspaper of general circulation published in an adjoining county; *provided, however*, that in the event the by-laws of any such unincorporated society, organization, or association specify a particular method or manner of giving notice of a meeting, such provision shall be followed, in addition to the method hereinabove provided, in a notice of any meeting given by said twelve members.

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#### CHAPTER 524.

*An act to amend section one thousand five hundred thirty-one of the Code of Civil Procedure, relating to orders to show cause on sale of real estate.*

[Approved May 26, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand five hundred thirty-one of the Code of Civil Procedure is hereby amended to read as follows:

Order to  
appear to  
show cause

1531. Upon the presentation of such petition, the court, or a judge thereof, must make an order directing all persons interested to appear before such court, at a time and place specified, not less than four or more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mine, mining interests, shares, or stocks, as are set forth in the petition and belonging to the estate. A copy of the order to show cause must be personally served on all persons interested in the estate, at least ten days before the time appointed for hearing the petition, or published at least four successive weeks in such newspaper as such court or judge shall specify; *provided, however*, that when it appears from the inventory and appraisalment that the value of the whole estate does not exceed the sum of two hundred and fifty dollars, the court or a judge thereof, may at his discretion order in lieu of publication that notices of the hearing thereof be posted in at least three public places in the county. If all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

Personally  
served on  
persons  
interested

In lieu of  
publication

CHAPTER 525.

*An act to amend section one of an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10, 1903, as amended, relating to the procedure in cases of dissolution of such districts.*

[Approved May 26, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10, 1903, as amended, is hereby amended so as to read as follows:

Sec. 1. Any irrigation district organized under the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and all acts supplementary thereto or amendatory thereof, including an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, may be dissolved in the manner hereinafter provided; *provided*, that in case a contract authorized by law has been made between the district and the United States for the construction, operation and maintenance of the necessary works for the delivery of water or for a water supply, no such district shall be dissolved and no proceedings entertained by any court or otherwise looking to the dissolution of such district, until the written assent of the secretary of the interior be given to such dissolution.

Irrigation districts may be dissolved

In case of contract with United States

CHAPTER 526.

*An act to amend section twelve hundred thirty-nine of the Political Code, relating to elections.*

[Approved May 26, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred thirty-nine of the Political Code is hereby amended to read as follows:

1239 The board of election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

Rules for determining place of residence

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this state, nor while engaged in navigation, nor while a student at any institution of learning, nor while kept in an almshouse, asylum, or prison;

3. A person must not be considered to have lost his residence who leaves his home to go into another state, or precinct in this state, for temporary purposes merely, with the intention of returning;

4. A person must not be considered to have gained a residence in any precinct into which he comes for temporary purposes merely, without the intention of making such precinct his home. Any person registered in one precinct, and removing therefrom to another precinct in the same county within thirty days of an election, shall be deemed to be a resident of the precinct from which he so removed until after such election;

5. If a person remove to another state with the intention of making it his residence, he loses his residence in this state;

6. If a person remove to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this state, notwithstanding he entertains an intention of returning at some future period;

7. The place where a man's family resides must be held to be his residence; but if it be a place for temporary establishment for his family, or for transient objects, it is otherwise;

8. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of residence; but any man having a family, and who has taken up his abode with the intention of remaining, and whose family does not so reside with him, must be regarded as a resident where he has so taken up his abode.

9. The mere intention to acquire a new residence, without the fact of removal, avails nothing, neither does the fact of removal, without the intention.

CHAPTER 527.

*An act to add two new sections to the Political Code to be numbered eleven hundred twenty-five and eleven hundred twenty-six, relating to elections and to repeal sections eleven hundred twenty-seven and eleven hundred twenty-nine of the Political Code.*

[Approved May 26, 1915. In effect—see section 4.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section of the Political Code is hereby added to be numbered eleven hundred twenty-five, to read as follows:

1125. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a registrar of voters provided for by freeholders charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such ex officio), the county surveyor shall upon written request and under the direction of the county clerk, or in counties, and city and counties having a registrar of voters, from the registrar of voters, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, and file the same with the board of supervisors not later than the first Monday in November of each odd-numbered year; *provided, however,* that the county shall be so divided into election precincts that there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct not more than two hundred, as near as can be ascertained, and it shall be the duty of said board to adopt an order creating election precincts as prepared and described by said county surveyor and county clerk, not later than the second Monday in December of each said odd-numbered year; the county surveyor shall within fifteen days after receipt of said written request from the county clerk, or registrar of voters, change or alter any precinct boundaries, and prepare new detail maps and descriptions thereof, as directed by the county clerk, or registrar of voters, and file the same with the board of supervisors, who shall at their next meeting adopt said precinct changes by order.

Surveyor to divide certain counties into election precincts.

Size of precincts

In all counties, or city and counties of this state, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a registrar of voters provided for by freeholders charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such ex officio, the board of supervisors, or other board having charge and control of elections in such county,

Supervisors to divide certain counties

or city and county, or, at its request, the county clerk or registrar of voters, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this code giving to the board of supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section.

SEC. 2. A new section of the Political Code is hereby added, to be numbered eleven hundred and twenty six to read as follows:

Change of  
boundaries

1126. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a registrar of voters provided for by freeholders charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such *ex officio*), the board of supervisors or election commissioners in each of the counties, and city and counties of this state, shall, within thirty days from the receipt of a written notice from the county clerk, or, in counties or city and counties having a registrar of voters, from the registrar of voters, change the boundaries of, create new, or consolidate established precincts as per detailed descriptions as furnished by the county clerk, or registrar of voters, and county surveyor; *provided*, that there shall always be as many precincts as shall be sufficient to make the number of votes polled in any one precinct not more than two hundred, as nearly as can be ascertained.

In all counties and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a registrar of voters provided for by freeholders charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such *ex officio*, the board of supervisors, or other board having charge and control of elections in such county, or city and county, of this state, or, at its request, the county clerk or registrar of voters, may from time to time change the boundaries of, create new, or consolidate established precincts; *provided*, that there shall always be as many precincts as shall be sufficient to make the number of votes polled at any one precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this code giving to the board of supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section.

SEC. 3. Sections eleven hundred and twenty-seven and eleven hundred and twenty-nine of the Political Code as amended by the forty-first session of the legislature of the State of California are hereby repealed. <sup>Repealed</sup>

SEC. 4 This act shall take effect four months after the adjournment of the forty-first session of the legislature of the State of California. <sup>In effect when</sup>

CHAPTER 528.

*An act to amend section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act and said act were amended March 19, 1909, and as said act was amended April 25, 1911, and as said act was amended June 11, 1913.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act and said act were amended March 19, 1909, and as said act was amended April 25, 1911, and as said act was amended June 11, 1913, is hereby amended to read as follows:

Sec. 7. Any person violating any of the provisions of sections eight or eight *a* of this act shall upon conviction be punished as follows, viz: For the first offense by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred and eighty days, or by both such fine and imprisonment; for the second offense, by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in sections eight or eight *a*, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys received under the operation of this act shall be paid by the magistrate receiving the same, seventy-five (75%) per cent to the state board of pharmacy, and twenty-five (25%) per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. The following <sup>Penalty for violations regarding poisons</sup> <sup>Disposition of fines</sup>

Schedule  
"A."

is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, corrosive sublimate tablets, antiseptic tablets containing corrosive sublimate, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue and tansy, phosphorus and its poisonous derivatives and compounds, compound solution of cresol, lysol, strophanthus or its preparations, aconite belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule. It is provided, however, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz: Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of Jamaica ginger, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch-hazel, sheep dip, borax, sulphur, bluestone, flaxseed, insect powder, fly paper, ant poison, squirrel poison, and gopher poison, and poisons used for orchard spraying, when prepared and sold only in original and unbroken packages and labeled with the official poison labels as provided in and by section 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, as said act was amended March 21, 1907, and as said act was amended April 21, 1909, known as the "pharmacy act"; it being the intention and purpose of this act that its provisions shall be in conformity and harmony with the provisions of said pharmacy act.

Certain  
drugs may  
be sold by  
grocers

Schedule  
"B"

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formalin; cantharides, cocculus indicus, all their preparations; iodine, or its tinctures, oils of savin and pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, and wood alcohol.

CHAPTER 529.

*An act to amend section 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 30, 1907, and amended March 21, 1907, and April 21, 1909.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 16 of said act is hereby amended so as to read as follows:

Sec. 16. The board of pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist; which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such restrictions and regulations as said board may from time to time adopt, the following simple household remedies and drugs, and no other, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch-hazel, paregoric, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, epsom salts, Rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, copperas, gum camphor, blue ointment, asafoetida, saffron, anise seed, saltpetre.

The board shall charge an annual fee of five dollars in advance for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such dealer, no further license shall be granted, and the license already issued shall be void; *provided*, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz:

Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of Jamaica ginger, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch-hazel, sheep dip, borax, sulphur, bluestone, flaxseed, insect powder, fly paper, ant poison, squirrel poison, and gopher poison, and arsenical poisons used for orchard spraying, when prepared and sold only in original and unbroken packages and labeled with the official poison labels.

## CHAPTER 530.

*An act to amend section one of an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, is hereby amended to read as follows:

Foodstuffs  
not to be  
destroyed  
in restraint  
of trade

Sec. 1. It shall be unlawful for any person, firm or corporation to destroy, in restraint of trade, any fish, fowl, animal, vegetable, or other stuffs, products or articles which are customary food, or which are proper for food, for human beings, and are in fit sanitary condition to be used as such.

## CHAPTER 531.

*An act providing for the incorporation of public utility districts by municipalities and unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Public  
utility  
districts.

SECTION 1. A public utility district may be incorporated and managed as herein provided, and may exercise the powers herein expressly granted. Such a district may include municipalities only, or both incorporated and unincorporated territory, but no municipal corporations shall be divided in the formation of such a district.

Two or more  
municipal-  
ities may  
unite

SEC. 2. Two or more municipalities may join in the formation of such a district. When any two or more municipalities desire to organize such a public utility district, as herein provided for, the legislative body of each such municipal corporation, at a regular meeting of such body, shall pass an ordinance declaring that the public interest requires the incorporation by such municipality, jointly with the other municipality or municipalities, naming the same, of a public utility district under this act, comprising its territory with that of

the other or others, and stating the name of the proposed district, which shall include the words "public utility district." Such ordinance shall also provide for the submission of the proposition by the council or other legislative body of the city to the qualified electors thereof at a special municipal election.

SEC. 3. Whenever the people of two or more municipal corporations shall desire to organize such a public utility district, and shall present a petition, signed by qualified electors of each such municipality severally and respectively equal in number to fifteen per centum of all the votes cast within each such municipal corporation for all the candidates for governor at the last preceding general election, at which a governor was elected, to the city council or other legislative body of their respective municipalities, it shall be the duty of the clerk of the city council or other legislative body of each such municipality to immediately proceed to examine and verify the signatures to such petition and to certify the result of such examination to such city council or other legislative body.

People may  
petition

SEC. 4. Whenever the people of unincorporated territory shall join in the formation of such a district, their petition shall describe such territory, and shall be signed by electors of such territory equal in number to fifteen per centum of all the votes cast for all candidates for governor within the same at the last preceding general election at which a governor was elected, and shall be presented to the board of supervisors of the county within which such territory is situated, and it shall be the duty of the clerk of such board to immediately proceed to examine and verify the signatures to such petition and to certify the result of such examination to such board of supervisors. Nothing herein contained shall be so construed as to prevent such board of supervisors from responding to such petition by proceeding to pass at any regular meeting an ordinance declaring that the public interest requires the incorporation by such unincorporated territory jointly with other like territory and with municipalities, naming and describing the same, of a public utility district under this act, comprising such unincorporated territory with that of said cities and other unincorporated territory, if any, and stating the name of the proposed district, which shall include the words "public utility district." Such ordinance, if enacted, shall provide for the submission of the proposition by such board of supervisors to the electors of such unincorporated territory at a special election.

Petition of  
people of  
unincorporated  
territory

SEC. 5. A petition may consist of any number of separate instruments, all of which together shall constitute one petition. A separate petition is required from each unit of the proposed district. All unincorporated territory participating in the proceedings and situated in one and the same county shall be regarded and treated for the purposes of the proceedings

Petition may  
consist of  
several  
instruments

as an entirety and as a unit, and each municipality so participating shall be so regarded and treated as a unit. No elector within any one such unit of the proposed district shall sign any such petition of the electors of any other such unit of the proposed district. Each such petition shall, in addition to all other matters required to be stated therein, also name or describe the municipality or other territory within which the electors signing the same reside, and state that it is filed concurrently with the petition or petitions of electors of other incorporated or unincorporated territory, naming or describing the same. Any or all such petitions may declare, in addition, that the electors of the municipal or unincorporated territory signing or presenting the same favor the incorporation of a public utility district in the alternative, that is to say, either with all of the proposed territory, or with less territory to be named and described in such petition.

Petition to state boundaries of proposed district.

Every petition for the formation of a public utility district shall set forth the boundaries of the proposed district, and the names of the municipalities included therein, and the name of the proposed district, which shall include the words "public utility district." If such proposed district includes only municipalities, it shall be sufficient to state the names thereof without further setting forth the boundaries of the district. Every such petition shall also contain a prayer that a public utility district comprising all of the proposed territory, or such portions thereof as are designated in the petitions as essential to its formation as hereinabove provided, be incorporated under the provisions of this act. Every elector signing any such petition shall write his address opposite his signature thereto.

Addresses of signers

"Elector" defined.

SEC. 6. An "elector," or "voter," or "qualified elector," for all purposes of this act, is any voter whose name appears on the great register of the county in which the public utility district is located, or any supplement thereto, as is then allowed by general law to be used to determine the eligibility of persons to vote at municipal or county elections, and whose address appearing on such great register or supplement is in the same municipality or unincorporated territory, as the case may be, as the address given by him on the certificate or petition that may be signed by him. All words used anywhere in this act in the masculine gender include the feminine. The singular number includes the plural and the plural the singular.

Sufficient evidence.

Such great register or supplement thereto, and certificates in due form of notaries public, or verification deputies provided for by this act, acknowledging the signature of any voter to any petition or certificate under the provisions of this act, shall be sufficient evidence for all purposes of this act.

Verification deputies

All verification deputies under this act shall be qualified electors residing within the territory of the proposed district, or of the district formed under this act, for which they are appointed. Verification deputies required to verify signatures to petitions for the formation of a district, or to certificates

or petitions nominating candidates for election to the first board of directors of newly formed districts, hereunder shall be appointed by the county clerk or county clerks of the county or counties in which the territory of the district is situated, and verification deputies required for any other purpose under the provisions of this act after the formation of a district hereunder shall be appointed by the clerk of the district. Such appointments shall be made upon written application of not less than five (5) nor more than ten (10) qualified electors of any territorial unit or units of the proposed district, or of the district formed hereunder, as the case may be. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of petitions (or certificates) in the matter of -----.

Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the county treasury or the treasury of a district formed hereunder. All verification deputies must, before their appointment, make and file with the clerk or clerks appointing them, respectively, an oath as to their ages, places of residence, occupation and whether or not they are qualified electors residing within the territory of the proposed district, or of the district formed hereunder, for which they are appointed.

Appoint-  
ment

Term

Oath

Sec. 7. If, by the certificate of the city or county clerk, respectively, any petition hereinabove provided for is found to be insufficient, he shall certify to the number of qualified electors required to make such petition sufficient in addition to the signatures already thereon and verified by him, and said petition may then be amended by filing a supplemental petition within ten days from the date of such certificate. The city or county clerk, respectively, shall within ten days after the filing of such supplemental petition make a like examination of the same and certify to the result of such examination, as herein provided. If this certificate shall show any such petition as amended to be insufficient, it shall be filed by him in his office and kept as a public record, without prejudice, however, to the filing of any other petition to the same effect at some future time not less than six months thereafter. But if by such certificate such petition, or such petition as amended, is shown to be sufficient, the clerk shall present the same to the city council or other legislative body of such municipality, or to the board of supervisors of such county, as the case may be, without delay, with his certificate attached thereto and properly dated.

Supplemental  
petition

If any supplemental petition be filed, all signatures appended to the petition and to the supplemental petition shall be considered in determining the number of qualified electors signing

Sufficiency  
of petition  
not subject  
to review  
after  
election

the petition. After the election for the incorporation of such proposed public utility district, the sufficiency of the petition, in any respects, shall not be subject to judicial review or be otherwise questioned.

Special  
election.

SEC. 8. Each city council or other legislative body of a municipality, which has passed the ordinance provided for in section two of this act, shall within fifteen days after its said ordinance has gone into effect publish a copy of the same, together with a statement that the proposition involved therein, which shall be briefly specified, will be submitted by it to the qualified electors of its respective municipality at a special election to be held thereafter in such municipality.

Each city council or other legislative body of a municipality, and each board of supervisors of a county, to whom a petition of electors shall have been presented, as hereinabove provided, shall within fifteen days after such presentation publish a copy of the said petition, together with a statement that the proposition involved therein, which shall be briefly specified, will be submitted by it to the qualified electors of its respective incorporated or unincorporated territory at a special election to be held thereafter in each such respective territory.

Publication of  
notice

The publication hereinabove provided for shall be for at least ten consecutive times in a daily newspaper of general circulation, printed, published and circulated in the respective city or unincorporated territory, or, so far as unincorporated territory may be concerned, if no such newspaper is printed, published and circulated in such territory, then in such daily newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of such territory; or for at least three consecutive times in a weekly newspaper of general circulation similarly printed, published and circulated, if there be no such daily newspaper.

Time of  
holding  
election.

SEC. 9. Such special election shall be held not less than twenty, nor more than forty, days after the completion of said publication, and shall be called by each such city council, or other municipal legislative body, and board of supervisors, respectively, by ordinance which shall specify the purpose and time of such election, and shall establish the election precincts, and designate the polling places therein and the names of the election officers for each precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in the respective municipality, or unincorporated territory, or, so far as unincorporated territory may be concerned, if no such newspaper is printed, published and circulated in such territory, then in such daily or weekly newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of such territory. The notice of such election shall also be posted in at least two public places in each precinct within each municipality and unincorporated

Publication of  
ordinance.

Posting of  
notice of  
election.

territory in which such election is held for at least ten days prior to such election. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by said city council, or other municipal legislative body, and board of supervisors, respectively, in the manner that is now or may hereafter be provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for the holding of special elections within such municipalities and counties, respectively.

SEC 10. When any petition, presented as hereinabove provided, declares that the electors of the municipality or unincorporated territory signing and presenting the same favor the incorporation of a public utility district in the alternative, either with all the proposed territory, or with certain territory described therein less than all the proposed territory, as hereinabove provided, the proposition to be submitted at such election shall be stated upon the ballot to be used in the municipality and unincorporated territory, respectively, in which such petition is signed and presented, in the alternative, as hereinafter provided, to wit:

Proposition on ballot.

"1. Shall ----- public utility district (naming it) be organized under the provisions of the public utility district act of 1915? Form

Yes   
No  ,,

"2. Are you in favor of so organizing ----- public utility district (naming it) with certain territory less than all of the territory proposed, as stated in the alternative in the petition of the electors asking for the formation of said district? Alternative proposition.

Yes   
No  ,,

The ballot containing such alternative propositions shall, in addition, have printed upon its face in a conspicuous place appropriate words calling to the voter's attention the fact that he may vote upon both alternatives of the proposition so submitted. Both may be voted on.

When the petition presented, as hereinabove provided, contains no alternative proposition, the proposition to be submitted at such election shall be stated upon the ballot to be used in the municipality and unincorporated territory, respectively, in which such petition is signed and presented, substantially as follows, to wit: If petition contains no alternative.

“Shall \_\_\_\_\_ public utility district (naming it) be organized under the provisions of the public utility district act of 1915?

Yes

No

Declaration of result.

SEC. 11. In case the proposition is submitted to the electors in any municipality or unincorporated territory, in which such election is held, in the alternative, as hereinabove provided, and is carried, the said city council or other legislative municipal authority, or board of supervisors shall, upon declaring the result of the election, as hereinabove provided, by order entered on its minutes, state and declare carried the original or primary proposition, unless both alternatives are so approved, in which case said order shall so state and declare the proposition carried in both alternatives.

Certificate of result.

SEC. 12. Within five days after the result of the election is declared, and the order is made where required, as hereinabove provided, the mayor, or other chief executive officer, of each municipality, and the chairman of the board of supervisors of each county containing unincorporated territory, wherein such elections are held, shall make and execute a certificate, to be signed by him as such official and authenticated under the seal of such municipality or county, setting forth the proposition submitted to the electors, the fact of such submission, and the result of the said election in his respective municipality or in such unincorporated territory, as so declared.

In case the proposition is submitted to the electors in the alternative, as hereinabove provided, the said certificate shall state the proposition as submitted in the alternative, the fact of such submission, the result of the election, as so declared, and also the order required in and by section eleven of this act.

In duplicate

The certificate hereinabove provided shall be made and executed in duplicate, and shall be delivered in duplicate without delay to the board of supervisors of the county in which the proposed public utility district, or the greater portion thereof in point of population, is situated, or to the clerk of such board.

Examination of certificates

SEC. 13. All of said certificates shall be so delivered, and the board of supervisors receiving the same shall meet and examine said certificates within three weeks after all of said elections are held; and if it appears from said certificates that a majority of the votes cast at said elections in each municipality and unincorporated territory, in which such elections are held, is in favor of the incorporation of the utility district, the said board of supervisors shall, by order entered on its

minutes, so declare and shall in and by said order state the name and boundaries of the district, and that such district is formed accordingly under the provisions of this act

When the proposition is submitted at such election in the alternative, as hereinabove provided, in two or more municipalities, or in two or more municipalities and unincorporated territory, wherein such election is held, and the original or primary proposition appears from the prescribed certificates to be carried in each municipality and unincorporated territory in which the proposition is so submitted, and if it further appears from said certificates that a majority of the electors voting at such election voted for the formation of the district in each of the other municipalities and unincorporated territory, in which such election is held, the said board of supervisors shall, by order entered on its minutes, so declare, and shall in and by said order state the name and boundaries of the district, and that the district is formed accordingly under the provisions of this act.

If original proposition carries

When the proposition is submitted at such election in the alternative, as hereinabove provided, in two or more municipalities, or two or more municipalities and unincorporated territory, wherein such election is held, and the proposition appears from the prescribed certificates to be carried in both alternatives in each municipality and unincorporated territory wherein the proposition is so submitted, and it further appears from the required certificates that a majority of the electors voting at such election voted against the formation of the district in all, either, or any of the other municipalities or unincorporated territory, wherein such election is held, the said board of supervisors shall, by order entered on its minutes, so declare, and shall state or describe the municipalities, or municipalities and unincorporated territory, wherein the proposition is so submitted and approved in the alternative, and the name and boundaries of such district, and that such district is formed accordingly under the provisions of this act.

If proposition carries in both alternatives

In case it appears from said certificates that a majority of the electors voting at such election of all, either, or any of the municipalities, or unincorporated territory, wherein such election is held, has voted against the formation of the district, the proceedings shall fail entirely; unless the proposition is submitted at such election in the alternative, as hereinabove provided, in two or more municipalities, or two or more municipalities and unincorporated territory, wherein such election is held, in which case the proceedings shall fail entirely if it appears from said certificates that a majority of the electors voting at such election of all, either or any of the municipalities or unincorporated territory, wherein the proposition is submitted in the alternative, has voted against the formation of the district.

If majority votes against formation

"Original  
and  
primary  
proposition"  
defined

Wherever in this act the words "original and primary proposition" are used, the same are hereby declared to mean the proposition to incorporate the proposed district with all of the proposed territory joining in the proceedings and mentioned and described in the several petitions presented by the electors, as hereinabove provided.

Order  
forming  
district  
to be in  
duplicate

SEC. 14 When the said board of supervisors has completed its examination of said certificates, and has made the order provided in the last preceding section of this act, it shall forthwith cause to be attached together said duplicate certificates in two rolls, each roll to contain one of each of said certificates and a copy of said order of said board of supervisors, duly certified under the hand and the official seal of the clerk of said board of supervisors, and one of said rolls shall be by said board caused to be forthwith deposited and filed in the office of the secretary of state, and the other, after being recorded in the office of the recorder of each county in which any part of said district is situated, shall be filed in the office of the county clerk of the county wherein the district, or the greater portion thereof in point of population, is situated. Upon the receipt of said duplicate roll by the secretary of state he shall issue his certificate reciting that said duplicate roll is filed in his office and that the public utility district, naming it, is incorporated as a public utility district under the provisions of this act; which said certificate shall be forwarded to the said board of supervisors and by it held and delivered to the board of directors of the district after the election and organization of said board, as hereinafter provided. No charge shall be made by either the secretary of state or any county recorder or county clerk for the services required of him under the provisions of this section. From and after the date of the filing of said duplicate roll with the secretary of state, the public utility district named therein shall be deemed incorporated as a public utility district under the provisions of this act, with all the rights, privileges and powers set forth in this act.

Filed with  
secretary of  
state

No charge

Validity of  
proceedings

SEC. 15. No informality in any proceeding, or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any public utility district, and any proceedings wherein the validity of such incorporation is denied shall be commenced within twenty days after the date of the certificate of incorporation; otherwise said incorporation and the legal existence of said public utility district, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable. If any such contest is brought, it shall be brought in the superior court of the county where the public utility district, or the greater portion thereof in point of population, is situated; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest and determine upon the hearing whether the election

Contest.

was fairly conducted and in substantial compliance with this act, and enter its judgment accordingly. The right of appeal is hereby given to either party to the record within thirty days from the entry of judgment, and the appeal must be heard and determined by the supreme court within sixty days from the filing of the notice of appeal.

SEC. 16. At an election to be held within such public utility district under the provisions of this act, the public utility district thus organized shall proceed within ninety days after its formation to the election of a board of directors, consisting of as many members as there are territorial units in the district, and as many additional members, not less than three nor more than four, as may be required to constitute a board composed of an odd number of directors. Such election shall be held in each municipality and unincorporated territory included within the district and shall be called by the board of supervisors of the county in which the district, or the greater portion thereof in point of population, is situated, and shall be called, held and conducted, the returns thereof canvassed, and the result thereof declared by such board of supervisors, in the manner and form now or hereafter provided by law for the holding of special elections within such county. Nominations for the office of director shall be had and made for the purposes of such election in all respects as is now or may hereafter be provided by law for the nomination of county officers elected within counties. A certificate of election shall be issued by said board of supervisors to each person elected and declared elected.

Election of board of directors

SEC. 17. Each municipality within the district shall for the purposes of this act be regarded and treated as a territorial unit of the district, and all unincorporated territories situated in one and the same county and included within the district shall be so regarded and treated as an entirety and as a territorial unit of the district. Each municipal territorial unit, and each unit of unincorporated territory having a population of at least five thousand, shall be entitled to one director, and candidates for the office of one director shall be nominated from each such respective municipality and unincorporated territory, and the remaining number of directors shall be nominated from the district at large. Each director shall have the status of a separate office for the purpose of nomination and election thereto, and, in case of a vacancy, for the purpose of filling such vacancy. Candidates for directors at large shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for director at large No. 1, No. 2, No. 3, or No. 4 (said numbers to be stated after the designating title "director at large," there being as many numbers from 1 up as there are directors at large to be elected), in accordance with the declarations of candidacy, which said candidates shall have filed with the county clerk or the clerk of the district, as the case may be.

Territorial units.

Directors from units.

At large

How designated

Candidates  
for directors  
from units

Candidates for director for or from the several municipal units and units of unincorporated territory in the district entitled to one director each, as above provided, shall be designated in all declarations of candidacy, nominating certificates, and on all official election ballots as candidates for director from \_\_\_\_\_ unit, \_\_\_\_\_ unit, \_\_\_\_\_ unit, and so forth (giving the name of the respective municipality or the name or other designation, herein provided, of the respective unincorporated territory, constituting the unit entitled to the office of director to be filled and for which said candidates severally declare themselves and are nominated as candidates, and are to be designated as candidates upon the official election ballots; said name or other designation, or names or other designations, to be stated after the designating title "director from." in accordance with the declarations of candidacy which said candidates shall have filed with the proper clerk, as herein provided.

In case only one unit of unincorporated territory is contained in the district, it is sufficient for naming or designating the same to refer to it as "the unincorporated territorial unit," but in case two or more such units are contained in the district, they shall be numbered, named and designated by the board of supervisors in charge of the election of the first board of directors, and subsequently from time to time by the board of directors of the district as unincorporated territorial unit No. 1, No. 2, No. 3 and so forth, there being as many numbers from 1 up as there are such units in the district.

Designation  
of units.

Such number, name and designation shall be given to each such unit by said board of supervisors by ordinance at a regular or special meeting of said board held after the formation of the district, and in time to permit of the publication and taking effect of such ordinance before the earliest time when nominating certificates and declarations of candidacy may be filed, as herein provided, and shall thereafter remain in force until the board of directors of the district, by ordinance, shall number, name and designate such units as herein provided.

Designation  
of directors  
has no  
significance  
after  
election

None of said designations by name or number of all or any of the directors shall have any significance whatever after election and qualification of the directors elected at such election, or after appointment and qualification of a director appointed to fill a vacancy, but shall fix the name or other designation and status of each such designated office as a separate office for the purpose of nomination and election thereto, or for the purpose of filling the same in the case of a vacancy therein by appointment as herein provided. The foregoing provisions of this section shall apply to the election of the first board of directors of the district organized under this act, as well as to all elections of directors held by the district at any time after its incorporation and organization.

Population  
of units

Said population of each unit of unincorporated territory within the district shall, at the time of calling the election herein provided for the election of the first board of directors

of the district, be determined by the board of supervisors charged with the duty of calling such election and such determination shall be stated in the ordinance calling such election and in the notice of the election. Such determination shall continue in force until set aside by the board of directors of the district. The board of directors of every district formed under the provisions of this act shall determine from time to time, as to them shall seem proper or necessary, the number of inhabitants of each unit of unincorporated territory within their district, and declare the same by ordinance, and every such determination shall continue in force until another such determination is subsequently made. All such determinations shall be based upon the last preceding census taken by the United States, or upon the last preceding census of the county in which such unit of unincorporated territory is situated in case the board of supervisors of such county shall have taken or caused to be taken a census of their county since the last preceding census of the United States.

SEC. 18. All subsequent elections of directors shall be called and held by the board of directors of the district, and the same shall be called, held and conducted, nominations for the office of director made, the returns thereof canvassed, and the result thereof declared by the board of directors as hereinafter provided.

Board of directors to call subsequent elections

SEC. 19. The directors of any district created after the passage of this act, on the first Tuesday after their election, and after they shall have qualified, shall meet and classify themselves by lot, so that the largest possible minority shall hold office for two years, and a majority of them for four years. Thereafter at each biennial public utility district election a number of directors corresponding to the number whose term of office shall so expire shall be elected for the term of four years.

Term of office

SEC. 20. In case of a vacancy in the office of director from or for a municipal or unincorporated territorial unit within the district, the vacancy shall be filled by appointment by the city council, or other legislative body, of the municipality, or by the board of supervisors of the county, respectively, from which such vacancy occurs. In case of a vacancy in the office of a director at large the vacancy shall be filled by appointment by the board of directors of the district. The officer appointed as above provided shall hold his office for the unexpired term of the director whom he is appointed to succeed, and until his successor is elected and qualified. If a person elected fails to qualify, the office shall be filled as if there was a vacancy in such office.

Vacancies

SEC. 21. A director at large shall be a resident and qualified elector of the public utility district, but not necessarily of the municipality or other territorial unit, from which he is nominated.

Qualification of director at large

SEC. 22. The provisions of law, now or hereafter made and provided, relating to the manner of holding and conducting general elections held for the election of state and county

Manner of holding elections

officers, the mode and manner of nominating county officers, of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of such general elections, as far as they may be applicable, shall, except as in this act otherwise provided, govern all public utility district elections. The returns of all such elections shall be directed to the clerk of the district, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said clerk, and the ballots shall be kept unopened for at least six months; but if any elector of the district be of the opinion that the votes of any precinct have not been correctly counted, he may contest the election in the manner and form and within the time provided by general law for contests of state and county elections, and all the provisions of the general law relating to election contests and the recounting of ballots cast at general state and county elections, shall be applicable, so far as practicable, to contest of district elections and the recounting of ballots cast thereat

Canvass of  
returns

SEC. 23. The board of directors must meet at its usual place of meeting on the first Monday after each district election to canvass the returns. If at the time of the meeting the returns from each precinct in the district in which the polls were open have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for or each proposition voted upon, and declaring the result of the election.

Clerk's  
statement.

SEC. 24. The clerk must, as soon as the result is declared, enter in the record of the board a statement of such result, which statement must show:

- (1) The whole number of votes cast in the district and in each municipality or other territorial unit thereof;
- (2) The proposition or the names of the persons voted for;
- (3) The office to fill which each person was voted for;
- (4) The number of votes given in each precinct to each such person, or for and against any proposition voted upon

Certificate  
of election

The board of directors must declare elected the person having the highest number of votes given for each office. The clerk must immediately make out and deliver to such person a certificate of such election, signed by him and authenticated with the seal of the board.

No informality in conducting public utility district elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this act.

Time of  
holding  
election.

SEC. 25. The biennial public utility district election for the election of directors shall be held on the first Tuesday of May in each second year after the formation of the district. This election shall be known as the general district election.

SEC. 26. No person shall be entitled to vote at any district election held under the provisions of this act unless such person possesses all the requirements of an elector under the general election laws of the state, nor unless he shall be a duly qualified elector residing within the district. Requirements for voting.

SEC. 27. The powers of the district hereinafter enumerated shall, except as herein otherwise provided, be exercised by the board of directors of the district. Powers of district

SEC. 28. The other officers of the district shall be (1) a clerk, who shall also be ex officio secretary of the board of directors; (2) an accountant; (3) a treasurer, and (4) a general manager, all of whom shall be appointed by the board of directors, and shall receive such compensation as may be provided for them by the board of directors by ordinance, and they shall hold office during the pleasure of the board. They, or any of them, shall be required to give such a bond as may be prescribed by the board of directors, and they shall perform such duties as are hereinafter provided, and such further duties as may be imposed upon them by the board of directors; *provided, however,* that when the district acquires, constructs, owns or operates two or more public utilities, a general manager may be appointed and employed, as hereinabove provided, for each such public utility. Officers. Compensation Bond

SEC. 29. The board of directors of the public utility district formed under the provisions of this act shall have power to elect that the duties of treasurer of the district shall be performed by the county treasurer of the county in which the district, or the greater portion thereof in point of population, is situated; and whenever the board of directors of such district shall, by ordinance, so determine, such duties shall be performed by said county treasurer. A certified copy of such ordinance shall be served on said county treasurer, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to such district in the hands of the treasurer. Duties of treasurer

SEC. 30. At the time hereinabove provided for the first meeting of the board of directors of the district, and after said board of directors shall have qualified and organized as hereinabove provided, it shall appoint such clerk, accountant, general manager and treasurer, or shall, in lieu of appointing such treasurer, pass the ordinance hereinabove provided for. Appointment of clerk, etc.

SEC. 31. The board of directors shall choose one of its members president, and shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings. President, meetings, etc.

Action only by ordinance or resolution

SEC. 32 The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words:

Enacting clause

“Be it enacted by the board of directors of \_\_\_\_\_ public utility district:”.

All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary.

Time of taking effect

No ordinance passed by the board shall take effect within less than thirty days after its passage, and before the expiration of said thirty days the same shall be published with the names of the members voting for and against the same for at least one week in some daily newspaper of general circulation printed and published in the district, or at least twice in some weekly newspaper of general circulation similarly printed and published, in case there is no such daily newspaper printed and published in the district, and posted at the main entrance to the offices of the board of directors at least one week. An order entered in the minutes of the board that such ordinance has been duly published and posted shall be prima facie proof of such publication and posting.

Compensation of board

Each member of the board of directors shall receive such compensation as the board of directors by ordinance shall provide, not to exceed, however, the sum of three thousand six hundred dollars per year.

Duties of president

SEC. 33. The president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed by the board of directors. The clerk shall countersign all contracts on behalf of the district, and perform such other duties as may be imposed upon him by the board of directors or by the provisions of this act. He shall give his full time during office hours to the affairs of the district, and shall ex officio act as the secretary of the board of directors and shall keep a record of its proceedings. The general manager shall, subject to such restrictions as the board of directors may impose, have full charge and control of the construction of the works of the public utility district and of their maintenance and operation. The general manager shall perform such other duties as may be imposed upon him by the provisions of this act or by the board of directors. He shall report to the board of directors in accordance with such rules and regulations as they may adopt.

General manager

Accountant

The accountant shall be charged with the duty of installing and maintaining a system of auditing and accounting which shall completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands made against the district when such demands have been first approved by a majority of the board of directors present at the meeting at which such demands are acted

upon, and shall perform such other duties as may be imposed upon him by this act or by the board of directors.

The board of directors, at their first meeting in January of each year, shall render and immediately cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and the purpose of such disbursements. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then within some newspaper of general circulation printed and published in the county where such district is situated.

SEC. 34. The directors of the district, immediately after receiving their certificates of election, and before assuming the duties of their office, shall take and subscribe an official oath and file the same in the office of the board of directors and execute the bond hereinafter provided for. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bond shall be approved by a judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county and filed with the secretary of said board. All official oaths and bonds herein provided for shall be in the form provided by law for official oaths and bonds of county officers.

SEC. 35. Any public utility district incorporated as herein provided shall have power:

*First*—To have perpetual succession.

*Second*—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

*Third*—To adopt a seal and alter it at pleasure.

*Fourth*—To take by grant, purchase, gift, devise, or lease, or otherwise acquire, and to hold and enjoy, and to lease or dispose of, real and personal property of every kind within or without the district, necessary to the full or convenient exercise of its powers.

*Fifth*—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works for supplying the inhabitants of said district and municipalities therein, without preference to such municipalities, with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter; and to do all things necessary or convenient to the full exercise of the powers herein granted. Whenever there is a surplus of water, light, heat, or power above that which may be required by such inhabitants or municipalities within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations.

Eminent  
domain

*Sixth*—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings relative to the exercise of such right the district shall have the same rights, powers and privileges as a municipal corporation.

Construct  
works across  
public  
highways

*Seventh*—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the state, and to construct its works across any stream of water or water course. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Incur  
indebtedness

*Eighth*—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against the district: *provided, however,* that no district shall incur any funded indebtedness which shall in the aggregate exceed twenty per centum of the assessed valuation of all real and personal property situated within the district.

Taxes

*Ninth*—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Contracts

*Tenth*—To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Condemna-  
tion  
proceedings  
Plans and  
estimates

*Eleventh*—To proceed in the name of the district in case of condemnation proceedings.

SEC. 36 (1) Whenever the board of directors by ordinance, as hereinafter provided, shall determine that the public interest or necessity of the district demands the acquisition, construction, or completion of any public utility or utilities by the district, or whenever the electors of the district shall petition the board of directors, as hereinafter provided, for the acquisition, construction, or completion of any public utility or utilities, the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or utilities.

Water work:

(2) In securing estimates of the cost of original construction and completion of water works by the district, the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district

Considera-  
tion of offers  
of existing  
utilities

(3) Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the board of directors must solicit and consider offers for the sale to the district of existing utilities, in order that

the electors may have the benefit of acquiring the same at the lowest possible cost thereof. In case no such offer or offers can be procured, the board of directors must, or, in case such offer or offers are procured the board of directors may, apply to the railroad commission of the State of California to ascertain the value of such existing utility or utilities for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities. Such valuation by the railroad commission shall be made in accordance with the provisions of section forty-seven of the public utilities act of the State of California, and said railroad commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the railroad commission shall have made and filed its findings and decision, the board of directors of the public utility district may have said findings reviewed, as in sections forty-seven and seventy of said public utilities act provided; or such board of directors may immediately adopt such findings and decision as the basis of its estimate of the cost of acquiring such public utility or utilities by purchase or by condemnation.

Valuation  
by railroad  
commission

(4) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all the votes cast within the territory of the district at the last preceding general election held for the election of state and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities therein named, it shall be the duty of the clerk of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the clerk shall transmit to the president of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

Petition for  
construction  
of public  
utility

Upon receiving the petition or petitions, with the certificate of the clerk stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility named in such petition or petitions.

Proposition  
formulated

All propositions formulated under the provisions of this subdivision shall be completed within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the railroad commission under the provisions of subdivision three of this section, in which case the said proposition or propositions shall be completed as soon as may be possible after such valuation shall have been made and become final.

Completion

At the next regular meeting after the completion of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities named in said petitions, the board of directors of the district by ordinance shall

Ordinance  
submitting  
proposition

submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose.

When cost  
can be  
paid from  
revenues

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, each proposition therefor, submitted to the electors, shall specify the cost of the public utility therein proposed for acquisition, construction, or completion by the district, the proposed method and manner of payment thereof, and the board of directors shall submit therein to the electors the question whether the same shall be acquired upon such terms. The affirmative vote of a majority of the electors voting at such election shall be necessary to accept such proposition.

Majority  
vote

Proceedings  
after  
election

At as early a date after the determination of the result of such election as the board of directors shall deem for the best interests of the district, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition, construction, or completion of any public utility or utilities named in any proposition or propositions accepted by the majority of the electors voting at such election.

If cost  
exceeds  
revenues

If, however, the cost of any public utility or utilities named in such petition or petitions shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, each such proposition shall specify the amount of the bonded indebtedness necessary therefor, and the rate of interest thereon, and the board of directors shall submit to the electors, at such election, the question of whether such bonded indebtedness shall be incurred. The assent of at least two-thirds of the electors voting at such election upon the proposition shall be necessary to secure the construction, completion, or acquisition of such public utility or utilities and to warrant the issuance of district bonds therefor.

Two-thirds  
vote

Need for  
utility  
declared by  
ordinance

(5) Whenever the board of directors shall determine that the public interest or necessity of the district demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an ordinance, which shall be published for at least two weeks in some newspaper or newspapers of general circulation printed and published in the district.

When cost  
can be  
paid from  
revenues

When the cost of such public utility or utilities, or any of them, can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, the board of directors shall, as soon after the filing of the plans and estimates of the cost thereof as it may deem for the best interests of the district, enter into such negotiations and contracts as may be necessary for the acquisition, construction or completion of the same; *provided, however,* that in such case the ordinance declaring

the determination of the board of directors to acquire, construct or complete such utility or utilities, and published as hereinabove provided, shall state the proposed cost of such acquisition, construction or completion, and the proposed method and manner of payment therefor; *and provided, further*, that no such ordinance, in case it involves the expenditure of more than one hundred thousand dollars, shall become effective before thirty days from and after its final passage.

If, however, the cost of such public utilities, or any of them, shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, as to render it necessary to incur a district bonded indebtedness therefor, the board of directors shall, at a regular meeting held within sixty days after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in subdivision six of this section provided, submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose. Such propositions shall specify the amount of bonded indebtedness necessary for the acquisition, construction or completion of the public utility or utilities therein named, and the rate of interest thereon, and the board of directors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. The affirmative vote of at least two-thirds of the electors voting at such election upon the proposition or propositions shall be necessary to warrant the issuance of district bonds for the acquisition, construction, or completion of such public utilities, or any of them.

If cost exceeds revenue.

(6) Whenever under the provisions of section thirty-six of this act, of which this subdivision is a part, a special election is called for the purpose of submitting to the electors a proposition or propositions for the incurring of a bonded indebtedness, the board of directors shall pass an ordinance calling such election.

Ordinance calling election

At such special election all propositions formulated under the provisions of this section may be submitted to the electors of the district, but no question other than such propositions shall be submitted at such special election.

The ordinance calling such election shall set forth the purposes for which it is called, the estimated cost of each utility proposed for acquisition, construction or completion by the district, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and if it shall be necessary to incur a district indebtedness for any utility or utilities therein proposed, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such

What ordinance shall set forth

utility or utilities, as in said ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such election shall be held as provided for holding elections in the district.

Form of bonds

SEC. 37. The bonds issued by the district under the provisions of this act shall be of such form as the board of directors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, principal and interest, in gold coin of the United States. The interest on such bonds shall not exceed six per cent per annum, and they shall be redeemed at such times and in such amounts as the board of directors shall determine, as set forth in the ordinance calling the election therefor; *provided*, that redemption of such bonds shall begin in not more than fifteen years and shall be completed in not more than seventy-five years from the date of issue.

Interest

Redemption.

The bonds so issued shall be issued in denominations of not less than one hundred dollars and not more than one thousand dollars, and may be sold by the board of directors at such times and in such manner as they shall determine, but shall not be sold at less than par and accrued interest. Any such bonds shall have the same force, value, and use as bonds issued by a municipality of this state.

Denomination

The proceeds from the sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund; except that if such surplus exceeds the sum of five thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay interest and maintain the sinking fund, or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

Proceeds from sale

SEC. 38. Such bonds shall be signed by the president of the board of directors of the district, and shall be countersigned by the clerk, and shall have the seal of the district attached. The coupons shall be numbered consecutively and signed by the treasurer, by original or facsimile signature, and the bonds and coupons shall be payable at the office of the treasurer. In case any officer whose signature, or counter-signature, or attestation appears on any bonds or coupons thereof, issued under the provisions of this act, shall cease to be such officer before the sale or delivery of such bonds to the purchaser thereof, such signature, counter-signature or attestation appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the sale or delivery of such bonds.

Signing of bonds.

SEC. 39. The board of directors shall annually levy and collect a tax sufficient to pay the annual interest on such bonds, and also to pay such part of the principal as will fall due

Tax levy

within the succeeding year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; *provided*, that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility, or out of moneys in the general fund of the district and theretofore appropriated and transferred to the sinking fund of such public utility, no tax shall be levied for such purpose

SEC 40. A neglect or refusal of the board of directors to comply with the provisions of sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this act shall constitute cause for removal from office of any member or members of the board guilty of such conduct or refusal. Refusal of directors to act

SEC 41. The receipts from the operation of any public utility shall be paid daily into the treasury of the district in a special fund set aside for such public utility. The board of directors may from time to time make appropriations from such funds for the following purposes: Receipts and appropriations.

1. For the payment of operating expenses of such public utility and for general salary and expense fund;

2. For repairs and reconstruction;

3. For payment of interest and sinking fund on the bonds issued for the acquisition, construction, or completion of such public utility;

4. For extensions and improvements;

5. For a reserve fund;

6. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the board of directors shall have power to appropriate such excess to the general fund.

SEC. 42 The books of account of the district shall be kept in such manner as to show the true and complete financial results of the ownership and operation of each public utility, the actual cost of each public utility, all costs of maintenance, extension and improvement, and all operating expenses of every description. The accounts of the district shall be examined at least once a year by an expert accountant, who shall report to the directors the result of his examination, and who shall be employed and selected in such manner as the directors may direct, and who shall receive for his services such compensation, to be paid out of the income or revenues of the district, as the directors may prescribe. Accounts

Every two years the directors of the district shall employ, at an expense of not to exceed the sum of twenty-five hundred dollars at any one time, to be paid out of the income and revenues of the district, as the board of directors may prescribe, an expert who shall be qualified to, and who shall with all due diligence, examine and report upon the system of accounts kept by the district, all the contracts of whatsoever kind made and entered into by the board of directors within the two years immediately preceding; the management of the utilities of the Biennial examination by expert

district, the operation of the same, the service furnished, and the rates charged by the district; the properties and investments of the district; all official acts of the board of directors relating to acquisition, construction, completion, extension, improvement, and betterment of the public utility or utilities of the district; the efficiency and adequacy of each public utility, and of the property used in connection therewith or with the operation thereof, the reasonableness of the service and commodities furnished, and of the rates and charges therefor; and generally all the business and affairs of the district relating to the ownership, management and operation of each public utility of the district. Said expert shall in his report make such recommendations and suggestions as to him shall seem proper and required for the good of the district, and the efficient and economical or advantageous management and operation of the public utility or utilities of the district, and of the business and affairs of the district relating to such management and operation; and he shall in his said report make such recommendations and suggestions as to the system of accounts kept, or in his judgment to be kept, by the district, in connection with each public utility, the classification of the public utilities of the district and the establishment of a system of accounts for each class, the manner in which such accounts shall be kept, the forms of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment may be proper and necessary.

Report

Selected by  
railroad  
commission.

Said expert shall be selected by the railroad commission of the State of California, and his selection shall be by said commission certified to the board of directors of the district, together with the name and address of the expert so selected, and several such experts may be so selected and certified. The board of directors of the district shall at least four months before the time of each biennial district election in writing request said railroad commission to make such selection and certification, and said railroad commission shall make and transmit the same to the board of directors making such request within two weeks after the receipt of such request by said railroad commission. Within ten days after the receipt of such selection and certification the board of directors of the district shall by resolution entered on its minutes employ the expert, or one of the experts, so selected and certified, fix the amount of his compensation either absolutely or on a per diem basis, and notify said expert of such appointment. The expert so employed shall enter upon the discharge of his duties at least ninety days before the date of the biennial district election, and shall complete his examination and file his report at least thirty days before the date of the biennial district election, then next impending. Said report shall be made to the electors of the district, in duplicate, one of said duplicates to be filed with the board of directors of the district, in the office of the clerk of the district, and one of said duplicates shall be filed

Time of  
doing work

in the office of the county recorder of the county wherein the district, or the greater portion thereof in point of population, is situated. Such county recorder shall file, index and keep said report as a public record in his office, and shall make no charge for such filing.

SEC. 43. Only revenue producing utilities shall be acquired, owned or operated by a district formed under the provisions of this act. So far as possible the board of directors shall fix such charges for commodities or service furnished by any revenue producing utility, as will pay the expenses of the government of the district, including salaries, office expenses, and other necessary disbursements; the operating expenses of the utility; the interest on any bonded indebtedness incurred for the acquisition, construction and completion thereof; and provide a sinking or other appropriate fund for the payment of the principal of such debt as it may become due, and also provide an appropriate fund for repairs, replacements and betterments; it being the intention of this section that the district pay all of such charges and expenditures, and the interest and principal of its bonded debt, from the revenues derived by the district from the operation of its public utilities, and that each public utility owned and operated by the district shall be self-sustaining.

Only revenue producing utilities to be acquired

SEC. 44. The district and any municipalities included therein, may at any time enter into appropriate contracts for the use by such municipality or municipalities of commodities or service furnished by any of the utilities acquired, owned, and operated, or authorized to be acquired, constructed, or completed by the district, as in this act provided. At any time after the formation of the district any municipality or municipalities included therein may advance to the district funds to meet the expenses of organization or the expenses of carrying on the work of the district, to be repaid to the municipality or municipalities so advancing said funds with stipulated interest, or to be credited by the district to the municipality as payment on account of commodities or service furnished or to be furnished to it by the district.

Districts, etc., may contract for public utility service

May advance funds.

SEC. 45 (1) If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, the board of directors must, or if funds are needed to carry out the objects and purposes of the district, which can not be provided for out of the revenues of the district, then the board of directors may, levy a tax for such purposes as herein provided. The board shall state the purposes for which such taxes are necessary, and must fix, by ordinance, the amount of money necessary to be so raised by taxation. If the amount to be raised at any one time by taxation for a purpose other than interest or sinking fund payments exceeds the sum of fifty thousand dollars, such ordinance shall not go into effect before thirty days from its final passage.

Tax if revenues inadequate.

Manner of assessing

(2) The board of directors may by ordinance provide the mode and manner of assessing, and of correcting and equalizing assessments upon, the taxable property situated within the district, for the purpose of levying district taxes, and of levying and collecting such taxes, and may provide for the collection of delinquent taxes by actions or legal proceedings which are hereby authorized to be brought, prosecuted and maintained in the name of the district against the several owners of property from whom such taxes may be due and delinquent, for the purpose of recovering the amount of the delinquent tax, with penalties, interest, and costs; *provided*, that the provisions of such ordinance shall be conformable to general law

Board may accept assessment by county assessor

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation: *provided*, that the board of directors shall declare its said election by ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before the first Monday in February of each year. Thereafter all assessments shall be made and taxes collected by the county assessor and tax collector, or county assessors or tax collectors, of the county or counties in which the district is situated until the board of directors of the district by ordinance elect otherwise. The said county auditor or auditors thereupon must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of the said county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on the first week day in September, or if such week day falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor or assessors and so returned to such board of directors by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by said board of directors are declared to be a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of such rate so fixed by the board of directors.

Statement by county auditor

Tax rate fixed

Entry in assessment book

The said auditor or auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "Utility district tax, ----- public utility

district (naming it),” the respective sums in dollars and cents or dollars or cents to be paid as a district tax on the property therein enumerated and assessed as being in the public utility district, using the rate of levy so fixed by the board of directors of the district, and the assessed value as found in such assessment book or assessment books. Such taxes so levied shall be collected at the same time and in the same manner as county taxes, and when collected the net amount, as ascertained as hereinafter provided, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Each county auditor and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; *provided*, that not more than one-half of one per centum on the amount collected shall be so charged or deducted by any county. The board or boards of supervisors of such county or counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

County officers to make expense statements

Whenever any real property situate in any public utility district formed under the provisions of this act, which district has availed itself of the provisions of this subdivision of this section, has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurer or treasurers receiving the same to such public utility district, in the proportion which the tax due to such district bears to the total tax for which such property was sold

Property sold for taxes

(4) All taxes levied under the provisions of this act shall be a lien on the property on which they are levied; and the enforcement of the collection of such taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the latter being hereby made a part of this act, so far as applicable; *provided*, that where a public utility district has not availed itself of the provisions of subdivision (3) of this section, the delinquent property sold by the tax collector of the district for delinquent taxes shall be struck off by him to the district and shall thereafter be redeemed or disposed of as is provided by law in the case of delinquent property sold to the state for delinquent state and county taxes.

Taxes a lien on property

Classification for civil service

SEC. 46. (1) The board of directors shall classify all the places of employment in or under the district, and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for, excepting the places and offices specified in subdivision four hereof. The places so classified by the board of directors shall constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

Rules.

(2) The board of directors shall make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the board of directors.

Character of examinations.

(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as may be practicable. No question in any examination shall relate to political or religious opinions or affiliations. The board of directors shall control all examinations.

Exemptions.

(4) The manager, the engineer, the clerk, accountant, and the treasurer of the district shall not be included within the classified civil service of the district.

Advertising for bids for supplies

SEC. 47. Except as otherwise provided in this act, the board of directors shall annually advertise, for at least five days in a newspaper of general circulation in the district, for sealed bids for furnishing the district with goods, merchandise, stores, subsistence, printing, materials, and all other supplies, and advertising.

All bids shall be upon a schedule showing all articles needed by the district and the several offices thereof, prepared by the clerk of the district, and shall state separately the price of each article to be furnished, and any person may bid upon any article separately.

Except as otherwise provided by this act, the board of directors shall determine annually what goods, merchandise, stores, subsistence, materials and other supplies will be needed by the district for the ensuing year.

Consideration of bids

In considering such bids the board of directors may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the district, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board. The award as to each article shall in all cases be made to the lowest bidder for such article.

All bids shall be opened by the board at an hour and place to be stated in the advertisements for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All contracts shall be made with the lowest responsible bidder, who shall give bonds with sufficient sureties for the faithful performance of his contract.

Opening of bids

Notices of proposals for furnishing the aforesaid articles shall mention said articles in general, and shall state that the conditions and schedule may be found in the office of the clerk of the district, and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner as the board of directors may designate.

General notice

All proposals shall be accompanied with a certificate of deposit, or certified check on a solvent bank within the district, or county wherein the district is located, of ten per centum of the amount of the bid, payable at sight to the order of the clerk of the district. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury of the district; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Certificate of deposit

The clerk shall furnish printed blanks for all such proposals, contracts and bonds.

Printed blanks

Advertising shall not be classified, and shall be construed to mean the advertising and publication of all official reports, orders, ordinances, resolutions, notices inviting proposals, and all notices of every nature relating to work or business of the district. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for; except in the case of the delinquent tax list. The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other advertising. A square of advertising shall be two hundred and thirty-four ems nonpareil.

Advertising

No officer or employee of the district shall order any article or shall make any publication which is not expressly authorized by this act or by the board of directors.

Unless the amount involved in the purchase at any one time of any articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of five hundred dollars, the board of directors may purchase such article or articles without the necessity of advertising or letting contracts therefor; but where the cost of any article or articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of five hundred dollars, the board of directors shall advertise for at least five days in a newspaper of general circulation in the district for sealed bids for furnishing the district such article or articles, and shall in the matter of opening and

Certain purchases without contracts

accepting such bids and the letting of contracts for the furnishing of such article or articles in all respects proceed in the manner and form in this section hereinabove provided in the case of contracts for annual supplies.

Cost of construction exceeding \$1,000

SEC. 48 Where the cost of any construction, replacement, improvement, alteration, extension, or other proposed work of the district exceeds the sum of one thousand dollars, the board of directors must adopt plans and specifications, strain sheets, and working details, as may be proper, and must advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by the board of directors, for the faithful performance of the contract; *provided*, that in cases of great emergency, by the consent of at least two-thirds of the board of directors, they may proceed at once to do or cause to be done all repair or replacement work necessary to meet such emergency without notice; *and provided, further*, that nothing herein contained shall be deemed to prohibit the board of directors from doing or causing to be done directly by the district, and without any contract therefor, any or all work necessary or proper in or about the making of all current and ordinary repairs or in or about current and ordinary upkeep or maintenance.

Bidders

Bond

Change of plans

No plans and specifications when once adopted shall be altered or changed in any manner whereby the cost of the proposed work shall be increased, except by a vote of two-thirds of the board of directors.

Change of contract

Whenever the board of directors shall enter into a contract for any such work, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two-thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done or extra material furnished.

Claims

SEC. 49. No claim shall be paid until allowed by the board, and only upon a warrant signed by the president and countersigned by the clerk.

Construction fund

SEC. 50. The cost and expense of purchasing and acquiring property and works, and of constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

Eight hour day

The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether so employed directly by the district and

its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day, except in case of emergency.

The board of directors shall fix the hours of labor or service required of all employees of the district, and their compensation, and shall employ all necessary employees or may by ordinance provide for their employment by the several officers of the district. The board of directors may from time to time contract for or employ any professional services required by the district, or by the board, or any officer of the district.

Board fixes hours and compensation

SEC. 51. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

Incurring debt

SEC. 52. All expenditures of money for the benefit of the district on any account or for any purpose, all contracts of every kind, and all tax levies for a purpose other than interest or sinking fund payments shall be first authorized by the board of directors, by ordinance, in every case when any such expenditure, or the amount involved in any such contract, exceeds the sum or amount of one hundred thousand dollars, or the amount proposed to be raised by such tax levy exceeds the sum or amount of fifty thousand dollars, and no such ordinance shall go into effect before thirty days from its final passage. During said thirty days a petition signed by qualified voters of the district equal to ten per centum of the entire vote cast within such district for all candidates for governor of the state at the last preceding general election at which a governor was voted for, and protesting against the passage of such ordinance, may be presented to the board of directors. Immediately upon the receipt of such petition the board of directors shall cause the clerk of the district to examine and verify the signatures to such petition, and to certify the result of such examination to the board of directors within ten days. If the petition is found to be insufficient, the clerk shall certify to the number of qualified electors required to make such petition sufficient in addition to the signatures already thereon and verified or found genuine by him, and said petition may then be amended by filing a supplemental petition within ten days from the date of such certificate. The clerk shall within ten days after the filing of such supplemental petition make a like examination of the same and certify to the result of such examination, as herein provided. Said ordinance shall remain suspended from going into operation until the completion of such examination and verification of said petition or supplemental petition, and the certification of the result of such examination; and in case said petition, or petition as amended, is shown to be sufficient by such certificate said ordinance shall be suspended from going into effect or operation

Expenditures authorized by ordinance

Protest

Supplemental petition

Suspension of ordinance

Reconsideration

and it shall be the duty of the board of directors to reconsider such ordinance. If said board of directors shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general district election or at a special district election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions, in the matter of form, signatures, and preparation thereof, and the proceedings based thereon, in the matter of holding or calling and conducting said election, the manner of voting thereat, canvassing the return and declaring the result, shall conform as nearly as may be practicable, and except as herein otherwise expressly provided, to the provisions of the general law of the state governing and relating to direct legislation or the referendum by incorporated cities and towns, which are hereby made applicable hereto as far as may be practicable.

Directors not to be interested in contracts

SEC. 53. No director or any other officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Validity of bonds

SEC. 54. The board of directors may at any time within sixty days from the date of the election authorizing the issuance of any bonds cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding *in rem*, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of such election no action may be brought by any person to contest or question the validity of said bonds and proceedings thereto. If there be more than one action, or proceeding involving the validity of any such bonds, they shall

Publication of summons

Trial

Appeal.

Consolidation of actions

be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Motion for new trial

SEC. 55. Every incumbent of an elective office of a public utility district formed hereunder is subject to recall by the voters of such public utility district, in accordance with the recall provisions of the general laws of the state with reference to county officers

Recall

SEC. 56. The legal title to all property acquired under the provisions of this act shall immediately, and by operation of law, be vested in such public utility district, and shall be held by such district in trust, and is hereby dedicated and set apart to the uses and purposes set forth in this act.

Title vested in district

SEC. 57. No suit shall be brought against the district on any claim for money or damages until a claim or demand therefor, setting forth with reasonable certainty the nature and various items of the claim or demand and verified by the claimant, or his authorized agent, has been presented to the directors and rejected in whole or in part. In case the board of directors shall fail or refuse to allow or reject such claim, either wholly or in part, for a period of six months after its presentation, such failure or refusal shall upon the expiration of such period be deemed a rejection of the claim. All claims against the district must be presented to the board of directors and filed with the clerk of the district within one year after the debt, or the last item thereof, for which the claim is made, shall have been incurred, or within one year after the occurrence from which the damages are claimed to have arisen. Otherwise there shall be no recovery on any such claim.

Suit only after rejection of claim

Time of presenting claim.

SEC. 58. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to public utility districts, except in so far as any of the provisions of such act may be inconsistent with any of the provisions of this act.

Construction of act.

SEC. 59. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, subsection, sen-

Constitutionality of act.

tence, clause and phrase hereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Definitions

SEC 60 The term "municipality" as used in this act shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing or those hereafter organized for municipal purposes within such public utility district. The word "district" shall apply, unless otherwise expressed or used, to a public utility district formed under the provisions of this act. And the word "board" and the words "board of directors" shall apply to board of directors of such district.

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### CHAPTER 532.

*An act to change and permanently locate the boundary line between the counties of Butte and Glenn.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Boundary  
between  
Butte and  
Glenn  
counties.

SECTION 1. The boundary line between the counties of Butte and Glenn is hereby established and permanently located as follows: From the point where the line between township 19 north, range 1 east and township 20 north, range 1 east intersects the line between sections three and four of the Aguas Frias Rancho according to the La Croze survey of the said Aguas Frias Rancho, said point being on the line between Butte and Glenn counties, running thence south along the said line between the said sections three and four to its point of intersection with the center line of Butte creek, said point of intersection being on the present line between Butte and Glenn counties.

Repealed.

SEC. 2. All other acts and parts of acts in conflict with this act are hereby repealed.

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### CHAPTER 533.

*An act to amend an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an act entitled 'An act creating a commissioner of public works, defining his duties and*

*powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof: also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof: also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof, by amending sections five and twelve thereof, relating to the officers and employes of the department of engineering, their powers, duties and salaries, and particularly to the engineer appointed for service in the harbor of San Francisco under the state board of harbor commissioners.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section five of an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation

for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an act entitled 'An act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof is hereby amended to read as follows:

Location of  
office.

Meetings.

Sec. 5. The office of the department of engineering shall be in the state capitol; and the secretary of state shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the advisory board shall be held at such office. The said board may, however, hold such special meetings at such places as the duties of the department or the best interests of the state may require. The state board of harbor commissioners for the port of San Francisco shall assign proper rooms in the ferry building at San Francisco for the use of the chief engineer assigned for service under that board in the harbor of San Francisco, and his necessary office help.

SEC. 2. Section twelve of said act, and all acts or parts of acts amendatory thereof, is hereby amended to read as follows:

Sec. 12. The department of engineering shall appoint a chief engineer for the board of state harbor commissioners for the port of San Francisco, and his salary shall be five thousand dollars per annum and be payable monthly out of the San Francisco harbor improvement fund, and he shall hold office at the pleasure of the appointive power. He shall furnish the state with a bond in the sum of ten thousand (\$10,000.00) dollars for the faithful performance of his duties, which bond must be approved by the governor of the State of California and filed in the office of the secretary of state. He shall prepare such plans and specifications as the board may direct, and if adopted, and the work ordered by the board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds, wharves, piers and landings, of the streets or parts thereof under the jurisdiction of the board, and when repairs are needed must forthwith report to the board in writing their nature and extent, and if ordered by the board must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the board from time to time what dredging is required. He must keep a register properly indexed, showing the date, place and character of every piece of work done and dock dredged, when begun and finished, with proper descriptions and drawings. He shall do all engineering work required by the said board of state harbor commissioners, and shall be subject at all times to its control, and devote his entire time to the service of the board. A copy of all work under his charge as chief engineer shall be filed in the office of the department of engineering. A complete record of cost in detail of all work done under the supervision of the chief engineer shall be filed with the department of engineering upon the completion thereof.

Chief engineer for San Francisco harbor commissioners

Salary

Bond.

Duties

Record of cost of work

CHAPTER 534.

*An act to amend an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf

out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913, is hereby amended to read as follows:

Tide lands granted to Berkeley.

Conditions of grant.

Franchises for wharves, etc

Persons in possession to have first right

Sec. 1. There is hereby granted to the city of Berkeley, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with the reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Berkeley, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of

renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Right to use wharves, etc. reserved to state.

No discrimination in rates.

Right to fish reserved.

SEC. 2. Section two of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913, is hereby amended to read as follows:

Sec. 2. The foregoing conveyance is made upon the condition that the city of Berkeley shall, on or before the first day of July in the year 1920, issue its bonds for harbor improvements in an amount of money of not less than five hundred thousand (\$500,000) dollars, and shall within said time commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than five hundred thousand dollars (\$500,000) shall be expended thereon within such time: *provided, however*, that should the said city of Berkeley be restrained from so prosecuting the work of such harbor improvements by injunction, issued out of any court of this state or of the United States, or the further delay as a result of any unavoidable misfortune of great public or municipal calamity then, and in such event, such time shall not be included within the time herein set forth, but whatever length of time of said city shall be prevented from commencing or completing such harbor

Must issue \$500,000 bonds before July 1, 1920.

Lands may  
revert to  
state

improvement as the result of such injunction or unavoidable misfortune of great public or municipal calamity, such time caused by such delay shall be added to the time herein set forth. If said bonds be not issued or said work be not prosecuted and completed as, and in the manner herein provided, then the lands by this act conveyed to the city of Berkeley shall revert to the State of California.

## CHAPTER 535.

*An act granting to the city of Burlingame the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom, and regulating the management, use and control thereof.*

[ Approved May 27, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

Tide lands  
granted to  
Burlingame

SECTION 1. There is hereby granted to the city of Burlingame, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which

Conditions  
of grant

Franchises  
for wharves,  
etc.

shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however,* that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Burlingame, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Persons in possession to have first right

Right to use wharves, etc., reserved to state

No discrimination in rates

Right to fish reserved

SEC. 2. The foregoing conveyance is made upon the condition that the city of Burlingame shall, within five years from the time this act shall go into effect, exclusive of such time, as said city may be restrained from so doing by injunction, issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue

Must issue \$100,000 bonds within five years

its bonds for harbor improvement purposes in an amount of money of not less than one hundred thousand dollars, and shall, within five years after this act shall go into effect, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one hundred thousand dollars shall be expended thereon within five years from the time this act shall go into effect, exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed, to the city of Burlingame, shall revert to the State of California.

Lands may  
revert to  
state

### CHAPTER 536.

*An act granting to the city of San Mateo the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom, and regulating the management, use and control thereof.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby granted to the city of San Mateo, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding

Tide lands  
granted to  
San Mateo

Conditions  
of grant

Franchises  
for wharves,  
etc.

twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however,* that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of San Mateo, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Persons in possession to have first right.

Right to use wharves, etc reserved to state.

No discrimination in rates.

Right to fish reserved

Must issue  
\$100 000  
bonds within  
five years

SEC. 2. The foregoing conveyance is made upon the condition that the city of San Mateo shall, within five years from the time this act shall go into effect, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes, in an amount of money of not less than one hundred thousand dollars, and shall within five years after this act shall go into effect, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence, that not less than one hundred thousand dollars shall be expended thereon, within five years from the time this act shall go into effect, exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued, or said work be not prosecuted and completed as, and in the manner herein provided, then the lands by this act conveyed to the city of San Mateo, shall revert to the State of California.

Lands may  
revert to  
state.

#### CHAPTER 537.

*An act to validate the organization of sanitary districts and their proceedings whereby the boundaries thereof were altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Sanitary  
districts  
validated.

SECTION 1. All sanitary districts formed under the provisions of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the constructing of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levying, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, and the acts amendatory and supplementary thereto, and which sanitary districts have acted in the form and manner of sanitary districts under the provisions of said act, are hereby declared to be and have been sanitary districts from the date of the entry in the minutes of the board of supervisors of an order that the sanitary district has been duly established and all proceedings of the sanitary districts, whereby the boundaries thereof have been altered, and outlying contiguous territory in the same county as such sanitary district, annexed thereto, and all other acts of said sanitary districts heretofore performed according to the act aforesaid, are hereby validated and declared to be legal.

CHAPTER 538.

*An act to amend section eleven hundred and five of the Political Code, relating to the cancellation of registrations.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eleven hundred and five of the Political Code is hereby amended to read as follows:

1105. Cancellation is made by writing or stamping on the affidavit of registration the word "cancelled," the reason therefor, and the date of such cancellation. In addition to the cancellation provided for in section 1106 and elsewhere in this code, whenever an elector transfers his registration from one precinct to another precinct in the same county, or re-registers in such other precinct as shown by the new affidavit of registration, the county clerk must immediately cancel both the original and the duplicate affidavit of registration from the former precinct, and remove them from their respective books or files provided for in section 1113 of this code; and whenever an elector removes from one county to another county and registers in such other county, the county clerk in the former county of registration, upon being informed of such removal, either by the elector personally or through the provisions of section 1104 of this code, must likewise cancel and remove both the original and the duplicate affidavits of registration in such county. All cancelled affidavits of registration must be preserved by the county clerk until the first day of April of the next even-numbered year. The county clerk in distributing to each precinct the five indexes of registration, as required in section 1116 of this code, shall cross out of such indexes the names of all electors whose affidavits of registration from such precinct have been thus cancelled.

Method of cancelling registrations

On account of transfer to another precinct.

Removal to another county.

Cancellation in indexes.

CHAPTER 539.

*An act to amend sections one thousand one hundred twenty and one thousand one hundred twenty-one of the Political Code, both relating to qualifications of voters and the registers to be used at certain elections.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eleven hundred and twenty of the Political Code of the State of California is hereby amended to read as follows:

1120 All persons shall be entitled to vote at the elections mentioned in section 1044 of this code, who come within the terms or comply with the requirements of this section:

Qualifica-  
tions of  
voters.

1. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in section 1044 of this code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated election precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of holding of the election provided for and held under said section 1044, shall be entitled to vote at said election, without other or additional registration except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096 and 1097 of the Political Code, *provided*, that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said section 1044 of this code.

Elections on  
or after first  
of April,  
even-  
numbered  
years.

2. When any of the elections mentioned in section 1044 of this code is held on or after the first day of April of an even-numbered year, any person to be entitled to vote at such election must have been registered since the opening of registration for such even-numbered year in the manner required by sections 1094, 1096 and 1097 of this code as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote.

SEC. 2. Section 1121 of the Political Code of the State of California is hereby amended to read as follows:

Registers  
used at  
certain  
elections.

1121. The register used at each special election or consolidated election precinct, at the elections provided for in section 1044 of this code, provided such elections are not held on or after the first day in April in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general state election immediately preceding the holding of the election provided for in said section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general state election become entitled to vote at any of the elections to be held in such precinct, under said section 1044 of this code. In the event that precinct registers were used at the last preceding general state election, then it shall be the duty of the county clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct.

No person shall be entitled to vote at any such election provided for in said section 1044 of this code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the constitution and laws of this state, he is entitled to vote thereat. If any election provided for in section 1044 of this code is held on or after the first day of April in any even-numbered year, the register used at each special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered year and at least thirty-one days prior to such election.

CHAPTER 540.

*An act to amend sections 1195 and 1195a of the Political Code and to add a new section thereto to be designated section 1195b, relating to the preparation, printing and distribution of statements concerning proposed constitutional amendments, and to the printing and distribution of such constitutional amendments and propositions, measures and questions to be submitted to the vote of the electors.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1195 of the Political Code is hereby amended to read as follows:

1195. Whenever the legislature shall propose any amendment to the constitution of this state or any other proposition to be voted upon by the electors of the state, the author of such amendment or proposition and one member of the same house who voted with the majority on the submission of such amendment or proposition, shall be appointed as a committee of two by the presiding officer of such house, before the adjournment of the legislature, to draft an argument giving the reasons for the adoption of such amendment or proposition, which argument shall be not more than five hundred words in length. If the author of such amendment or proposition shall desire separate arguments to be written in favor thereof by each member of the committee, such separate arguments may be written, but the combined length of the two arguments shall not be more than five hundred words. At the same time said committee of two is appointed, one member of the same house who voted with the minority against the submission of such amendment or proposition, if there was any such minority vote, shall be selected by the presiding officer of such house as a committee of one to write an argument against

Arguments  
for proposed  
constitu-  
tional  
amendment

Arguments  
against

such amendment or proposition, and such argument shall be not more than five hundred words in length. These articles shall be submitted to the secretary of state within ninety days after the adjournment of the legislature, subject to amendment or change by the committee respectively submitting them at any time within one year after such adjournment, such amendment to be substituted by the secretary of state in lieu of the original. In case either the argument for or the argument against such amendment has not been filed by a member of the legislature within one year from the final adjournment of the legislature or in case no committee was appointed to write it, any elector may request the presiding officer of the house in which said amendment originated for permission to prepare and file an argument for such amendment or proposition, and any other elector may request such officer for permission to prepare and file an argument against the same. The presiding officer of such house shall grant such permission, or, if there be more than one elector requesting such permission, he shall designate the person to prepare and file such statement, either for or against such amendment or proposition, or both for and against, as the case may be.

In case arguments are not filed

SEC. 2. Section 1195a of the Political Code is hereby amended to read as follows:

1195a. The secretary of state shall cause to be printed at the state printing office one and one-fifth times as many pamphlets as there are registered voters in the state. Such pamphlets shall contain a complete copy of all constitutional amendments, propositions and measures submitted to a vote of the electors of the state by the legislature, or by initiative or referendum petition, a copy of the corresponding constitutional or statutory provisions as then in force, if any, and a copy of the statements provided for in section 1195 in this code and in section 1, article IV of the constitution of the State of California. The parts of the proposed amendments differing from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. All questions, propositions, measures and constitutional amendments which are to be submitted to a vote of the electors shall be printed in said pamphlets, so far as possible, in the same order, manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the respective ballot titles or designations which may be provided therefor. Said ballot titles shall be numbered consecutively and printed on the pamphlets herein referred to immediately prior to the particular question, proposition, measure or constitutional amendment therein referred to. There shall also be printed on said pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots.

Pamphlets regarding constitutional amendments, initiative measures, etc

Order on ballot.

Titles

SEC. 3. A new section is hereby added to the Political Code to be designated section 1195*b* and to read as follows:

1195*b*. The secretary of state shall duly, and not less than thirty days before the election next ensuing at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained therein and furnish each county clerk in the state with one and one-fifth times as many copies of such pamphlets as there are registered voters in his county. The clerk of each county shall not more than twenty-five days, nor less than fifteen days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such pamphlets, to be supplied by the secretary of state, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors.

Pamphlets sent to county clerks.

Mailed to voters

CHAPTER 541.

*An act to amend section 11 of the "workmen's compensation, insurance and safety act," approved May 26, 1913.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section fourteen of the "workmen's compensation, insurance and safety act," approved May 26, 1913, is hereby amended to read as follows:

Sec. 14. The term "employee" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: Every person in the service of an employer as defined by section thirteen hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens and also including minors, but excluding any person whose employment is both casual and not in the usual course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising or in household domestic service, and also excluding any person holding an appointment as deputy clerk, deputy sheriff or deputy constable appointed for the convenience of such appointee and who receives no compensation from the county or municipal corporation or from the citizens thereof for services as such deputy.

"Employee" defined

## CHAPTER 542.

*An act to amend sections seven and nine of an act entitled "An act authorizing levee districts of the state to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes," approved March 8, 1911.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven of an act entitled "An act authorizing levee districts of the state to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes," approved March 8, 1911, is hereby amended to read as follows:

Bonds for  
levee  
districts.

Order for  
election.

Publication  
of notice

Sec. 7. The board of trustees or directors of such levee district shall, by order entered upon the minutes of said board, specify the amount of bonds which it is proposed to issue, which, in any case, shall not exceed the entire estimate of the expense of the work as planned, the rate of interest to be paid and the number of years, not exceeding thirty, the whole or any part of said bonds are to run; and said order shall further provide for submitting the question of the issuance of said bonds to the taxpayers of the district, at an election to be called by the board for that purpose, and the words to appear upon the ballot shall be: "Bonds—Yes" and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Said order shall name a time and place of holding such election, which place shall be at some convenient place in the district. The board shall appoint one inspector, two judges, and one clerk to conduct said election, all of whom must be electors and taxpayers of the district. Notice of such election shall be given by publication in a newspaper published in the county in which such district or some part thereof is situated, once a week for at least four weeks prior to said election. Such notice must contain the time and place of holding such election, the names of the election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding thirty, the whole or any part of such bonds are to run. If any election officer appointed by said board and named in such notice is not present at the time for opening of the polls, the voters present may appoint an election officer to take the place

of such election officer so absent. Before opening the polls, each officer of election must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the district may administer and certify such oath. At such election any voter qualified to vote for the election of officers of said district, and none other, shall be permitted to vote thereat; and such election shall be held as nearly as practicable in conformity with the general election law of the state, except that registration shall not be required; and except, also, that persons voting at such bond election shall put a cross (X) upon their ballots with pencil or ink, after the words "Bonds—Yes" or "Bonds—No" (as the case may be), to indicate whether they have voted for or against the issuance of bonds; and except, also, that the returns of such election shall be canvassed and the result declared by the board of supervisors of the county in which such election is held at the next regular meeting of said board after such election. No ballot shall be rejected because of any distinguishing marks made thereon. If a majority of the voters of the district voting at such election shall vote in favor of issuance of bonds, the board of trustees or directors of said levee district must proceed to issue the amount of bonds specified. Said board of trustees or directors, by an order or resolution entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than thirty years from the date thereof; and said bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars each, and shall have not more than thirty years to run, and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually; and said bonds shall be substantially in the following form:

Oath of election officers

Manner of voting.

Canvass of returns

Issuance of bonds

No. \_\_\_\_\_ (Name of district) \_\_\_\_\_,

Form of bonds

In the county of \_\_\_\_\_, State of California

For value received, promises to pay \_\_\_\_\_ or order, at the office of the treasurer of said district, in \_\_\_\_\_, California, on or before the first day of \_\_\_\_\_, 19\_\_\_\_, the sum of \_\_\_\_\_ dollars, in gold coin of the United States, with interest at the rate of \_\_\_\_\_ per cent per annum, payable at the office of said treasurer semi-annually, on the first day of \_\_\_\_\_ and \_\_\_\_\_ in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of \_\_\_\_\_ of said district in conformity with a resolution of said board, dated the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, and under authority conferred upon said board by the provisions of an act of the legislature of California entitled "An act authorizing levee districts of the state to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or

for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches or canals; or for any and all of said purposes.”

Approved (insert date of approval of the act).

In testimony whereof, the said district, by its board of ----- has caused this bond to be signed by the chairman of said board, and attested by the auditor of ----- county, with his seal of office attached, this ----- day of -----, 19-----.

-----,  
Chairman of said board.

Attest: -----, Auditor of ----- county.

Interest  
coupons.

And the interest coupons shall be in the following form:

The treasurer of (name of district) will pay to the holder hereof, on the ----- day of -----, 19-----, at his office in -----, ----- dollars, gold coin, for interest on bond of said district numbered -----.

SEC. 2. Section nine of said act approved March 8, 1911, is hereby amended to read as follows:

Tax to  
pay  
principal  
and  
interest.

Sec. 9. The board of directors or trustees shall cause to be assessed and levied each year upon the assessable property of the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds, issued in conformity with the provisions of this act, accruing before the next annual levy, and such proportion of the principal, that at the end of ten years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued, at the end of fourteen years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal, and the money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate and special account thereof, which at all times shall show the exact condition of said bond fund.

CHAPTER 543.

*An act to amend section four thousand one hundred thirty-two of the Political Code, prescribing what indexes shall be kept by county recorders.*

[Approved May 20, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand one hundred thirty-two of the Political Code is hereby amended to read as follows:

4132. Every recorder must keep except as herein otherwise provided: Indexes kept  
by recorders.

1. An index of deeds, grants, and transfers, labeled "Grantors." Deeds each page divided into three columns, headed, respectively: "Names of Grantors," "Names of Grantees," and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into three columns, headed, respectively: "Names of Grantees," "Names of Grantors," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," Mortgages with the pages thereof divided into four columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgages of Real Property," "Mortgages of Personal Property," with the pages thereof divided into four columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," Releases of  
mortgages "Release of Mortgages of Personal Property—Mortgagors," with pages thereof divided into four columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Where Releases are Recorded," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into three columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," Powers of  
attorney each page divided into four columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," Leases each page divided into three columns, headed, respectively: "Names of Lessors," "Names of Lessees," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into three columns, headed, respectively: "Names of Lessees," "Names of Lessors," "When and Where Recorded."
10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into three columns, headed, respectively: "Men Married," "To Whom Married," "Where Certificates are Recorded."
11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into three columns, headed, respectively: "Women Married" (and under this heading placing the family names of the women), "To Whom Married," "Where Certificates are Recorded."
12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into four columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "When and Where Recorded."
13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into four columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "When and Where Recorded."
14. An index of wills, labeled: "Wills," each page divided into three columns, headed, respectively: "Names of Testators," "Date of Probate," "When and Where Recorded."
15. An index of official bonds, labeled: "Official Bonds," each page divided into four columns, headed, respectively: "Names of Officers," "Names of Offices," "Amount of Bonds," "When and Where Recorded."
16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."
17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."
18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."
19. An index of notices of the pendency of actions, labeled: "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."
20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women,"

Marriage  
certificatesAssignments  
of  
mortgages  
and leases

Wills

Official  
bondsNotices of  
mechanics'  
liens.Transcripts  
of  
judgmentsAttach-  
ments.Notices of  
actions.Separate  
property.

“Names of their Husbands,” “Nature of Instruments Recorded,” “When Recorded,” “Where Recorded.”

21. An index to the register of births and deaths. Births, etc.

22. An “Index to Certificates of Residence”

23. An index of mining locations and of documents affecting same, labeled: “Mining Locations,” divided into suitable columns showing the name of locator, date of location, date of recording and place where claim is located Mining locations

24. An index suitable for the provisions of “An act for the certification of land titles and the simplification of the transfer of real estate.” Land titles

Sec. 25. The county recorder may keep, instead of indices enumerated in subdivisions one to twenty-four herein inclusive of this section, two indices labeled respectively: “General Index of Grantors,” and “General Index of Grantees” Each page of the general index of grantors shall be divided into seven columns, labeled, respectively: “Date Filed,” “Grantors and Defendants,” “Grantees and Plaintiffs,” “Title,” “Volume,” “Book,” “Page.” Each page of the general index of grantees shall be divided into seven columns, labeled, respectively: “Date Filed,” “Grantees and Plaintiffs,” “Grantors and Defendants,” “Title,” “Volume,” “Book,” “Page.” The alphabetical subdivisions and each of the general indices herein described shall be not less than two hundred and forty in number, and so arranged, as nearly as possible, that the entries to be made in said indices will be equally apportioned under the several alphabetical subdivisions. In the general index of grantors, the recorder may index names of grantors, defendants, and first parties, who would otherwise be indexed in any of the indices in this section hereinabove specified. In the general index of grantees the recorder may index names of grantees, plaintiffs and second parties, who would otherwise be indexed in any of the indices in this section hereinabove specified. Such indexing in the general index of grantors and the general index of grantees may be in lieu of indexing in any of the indices in this section hereinabove specified, and will impart notice in like manner and effect as such indexing would have imparted in any of the indices in this section hereinabove specified. If the recorder keeps the general index of grantors and the general index of grantees as herein provided, and indexes therein all of the names which would otherwise have been indexed in the other indices in this section provided, he will not then be required to keep such other indices; but the recorder may keep the general index of grantors and the general index of grantees and also any one or more of the other indices in this section provided. If the recorder keeps any index or indices other than the general index of grantors and the general index of grantees, he must index in such index or indices other than the general index of grantors and the general index of grantees all of the names which it is proper to index in such other index or indices, and he will

In lieu of above

Size of subdivisions

General index of grantors.

not then be required to index such names in the general index of grantors or the general index of grantees.

26. Such other indices and books of record as may be required in the performance of his official duties.

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#### CHAPTER 544.

*An act to amend section one hundred seventy-one of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one hundred seventy-one of the Civil Code of the State of California is hereby amended to read as follows:

Liability of  
separate  
property  
of wife.

171. The separate property of the wife is liable for her own debts contracted before or after her marriage, but is not liable for her husband's debts; *provided*, that the separate property of the wife is liable for the payment of debts contracted by the husband or wife for the necessaries of life furnished to them or either of them while they are living together; *provided*, that the provisions of the foregoing proviso shall not apply to the separate property of the wife held by her at the time of her marriage or acquired by her by devise, succession, or gift, other than by gift from the husband, after marriage.

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#### CHAPTER 545.

*An act to add a new section to the Civil Code to be numbered four hundred eighty-five a, relating to crossings over railroads.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered four hundred eighty-five a, to read as follows:

Right to  
private  
crossings  
over  
railroads.

485a. The owner or owners of any lands along or through which any railroad is constructed or maintained, shall have the right to such farm or private crossings over such railroad and railroad right of way as may be reasonably necessary or convenient for ingress to or egress from such lands, or in order to connect such lands with other adjacent lands of such owner or owners; and the owner or operator of such railroad shall construct and at all times maintain such farm or private

crossing in a good, safe and passable condition; *provided*, that the railroad commission shall have the authority to determine the necessity for such crossing and the place, manner and conditions under which said crossing shall be constructed and maintained, and shall fix and assess the cost and expense thereof.

CHAPTER 546.

*An act to amend "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works, and for the acquisition of all property necessary thereto, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended by act approved December 24, 1911, by adding to said act two new sections to be numbered twenty-seven a, and twenty-seven b, providing for the disincorporation or such districts, the payment of its obligations upon such disincorporation, the return of its surplus funds to the taxpayers, the disposal of the records of said district, the winding up of the affairs of said district and the powers of boards of supervisors upon the winding up of such affairs.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. An act entitled, "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works, and for the acquisition of all property necessary thereto, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended by an act approved December 24, 1911, is hereby amended by adding to said act two new sections to be numbered twenty-seven *a* and twenty-seven *b*, and to read as follows:

27*a*. A municipal water district organized under the terms of this act may be disorganized or disincorporated in the following manner:

A petition shall be presented to the board of supervisors of the county in which such district is located, signed by at least twenty-five per cent of the qualified registered electors of the district praying for the disorganization and disincorporation of such district and briefly stating the reasons therefor. Upon the presentation of such petition the county clerk shall examine the same within ten days after such presentation and ascertain whether or not said petition is signed by the requisite

Petition to  
disorganize  
water  
district

Certificate  
of examina-  
tion by  
clerk

number of qualified electors. When the county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of qualified registered electors residing within the boundaries of such proposed water district, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found insufficient by him, supplemental petitions may be filed at the times and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of a district, as set forth in section 3 of this act. The sufficiency or insufficiency of such petition shall not be subject to review by the board of supervisors. After an election for the disincorporation of a water district hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Supple-  
mental  
petitions

Sufficiency  
of petition  
not subject  
to review  
after  
election

Notice of  
election

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be disincorporated and dissolved; *provided, however*, that in the event the said district shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied. Said notice of election shall be

Publication

published in a newspaper published in said district and determined by said board most likely to give notice to those interested in said hearing, at least once a week for a period of three weeks; said notice shall state that the question of disincorporating said corporation shall be submitted to the legal voters of said district at the time appointed for such election, and electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "for disincorporation" or "against disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said municipal water district, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said district, as nearly as practicable in conformity with the general election laws of the State of California, in so far as said general laws may be applicable, except as in this act otherwise provided. At the first regular meeting next after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found

Mailed to  
directors

Manner of  
holding  
election

Canvass  
of vote.

by the canvass of said votes that less than a majority of the

votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall under their hands make and file in their office, and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that such municipal water district be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said municipal water district is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, by an order entered in its minutes, to make and transmit to the secretary of state a certified copy of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation and the number of electors voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said municipal water district shall be forever disincorporated.

Order of disincorporation.

Time of taking effect

27b. Upon the disincorporation of any water district in the manner hereinbefore provided for, the board of supervisors shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation, the amount of money in the treasury thereof and all indebtedness due or coming due the said municipal water district, and the directors of said district shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the said amount of money in the treasury and all indebtedness due or coming due said district, and said municipal water district shall before the expiration of thirty days turn over to the treasurer of said county all moneys of said water district in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said district every public officer of said district shall immediately turn over to the board of supervisors of the county in which said district is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said municipal water district, or the territory included within it, from any liability or any debt contracted by said district prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of the board of supervisors of the county in which said municipal water district is situated, on the fund hereinabove provided for in the county treasury. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said district it shall be found that there is not sufficient money in the treasury to the credit

Settlement of indebtedness

Property turned over to supervisors

Warrants for indebtedness

If funds  
insufficient  
to pay in-  
debtedness

If funds  
show  
surplus

Supervisors  
may  
ascertain in-  
debtedness,  
etc., if  
directors  
fail to act

Intention  
of act

of the fund hereinbefore provided, with which to pay any indebtedness of said water district, said board of supervisors shall have the power, and it shall be their duty, to levy and there shall be collected from the territory formerly included within said district, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said district there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said district duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof. The board of supervisors of the county in which any such water district has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such municipal water district shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said district at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said district, for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said district before disincorporation, and said county shall succeed to and possess all the right of said district in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

It is the intention that no municipal water district shall be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

CHAPTER 547.

*An act to amend section seven of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, relating to deputies of labor commissioner.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, is hereby amended to read as follows:

Sec. 7. The commissioner and his representatives duly authorized by him in writing shall have the power and authority to issue subpoenas, to compel the attendance of witnesses or parties and the production of books, papers or records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. The commissioner shall have a seal inscribed "Bureau of Labor Statistics—State of California" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county. The commissioner and his representatives shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, manufacturing or mercantile establishment, or any agent or employee of such principal, owner, operator, manager, or lessee who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him wilfully neglect or refuse to furnish to him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, manager or agent thereof, shall be punished by a fine of not more than two hundred dollars.

Powers of  
Labor com-  
missioner  
and  
deputies.

Seal.

Access to  
places of  
labor.

## CHAPTER 548.

*An act providing for the establishment by the commission of immigration and housing of California of zones or areas on docks where immigrants are landed; prescribing the powers and duties of the said commission with regard thereto; and providing a penalty for violation of the provisions hereof.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Areas on  
docks where  
immigrants  
land

SECTION 1. At any place within the state where immigrant aliens are landed from ships on land or docks owned and controlled by the State of California the commission of immigration and housing of California may establish and mark out or fence off on such land or docks a zone or an area around the spot where said immigrants disembark, into which zone or area no person shall be admitted at times when immigrant aliens are being landed or are about to be landed, without a license or permit from said commission, unless he be an officer or a member of the crew of a vessel landing at such spot or a bona fide passenger on such vessel.

State may  
co-operate  
with U. S.,  
cities, etc.

SEC. 2. The commission of immigration and housing of California may also co-operate with the officials of the United States government, or with the officials of any county or city, or with any private person, firm, or corporation, in establishing and conducting zones or areas, as provided in section one hereof, on land or docks owned or controlled by the United States, or any such county or city, or by any such private person, firm, or corporation.

Size of  
area

SEC. 3. The zone or area mentioned in sections one and two hereof must in no case be larger than is reasonably necessary for the disembarking, assembling and distributing of the passengers landed in such zone or area.

SEC. 4. Any person who acts in violation of the provisions of this act shall be guilty of a misdemeanor.

## CHAPTER 549.

*An act to amend sections one and two of an act entitled "An act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897, as amended by an act approved May 1, 1911*

[Approved May 29 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled, "An act to secure the payment of the claims of materialmen, mechanics,

or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897, is hereby amended so as to read as follows:

Sec. 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the execution or performance of any building, road, excavating, or other mechanical work for this state, or by any county, city and county, city, town, or district therein, shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one-half of the total amount payable by the terms of the contract: such bond shall be executed by the contractor, and either at least two sureties or by corporate surety as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, or his or its subcontractor, fails to pay for any materials, provisions, provender or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the surety or sureties will pay the same in an amount not exceeding the sum specified in the bond; *provided*, that such claim shall be filed as hereafter required.

Bond of contractor on public work

Sureties

SEC. 2. Section two of said act is hereby amended so as to read as follows:

Sec. 2. Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, or by the subcontractor of said contractor, company, or corporation, shall, within ninety days from the time such contract is completed, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within six months after the filing of such claim, the person, company, or corporation filing the same may commence an action against the surety or sureties on the bond, specified and required in section one hereof.

Claims of unpaid material-men, etc

Action against sureties

## CHAPTER 550.

*An act to amend sections nine and ten of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section nine of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, is hereby amended to read as follows:

Assistants  
of Labor  
Commis-  
sioner

SEC. 9. The commissioner shall appoint two deputies who shall have the same power as said commissioner; an assistant deputy who shall reside in the county of Los Angeles; a statistician; a stenographer; and such agents or assistants as he may from time to time require, at such rate of wages as he may prescribe, and actual traveling expenses for each person while employed. He shall procure rooms necessary for offices in San Francisco, Los Angeles, Sacramento, San Diego, and in such other places as he may deem necessary, at a rent not to exceed the sum of four hundred dollars per month.

Offices

SEC. 2. Section ten of said act is hereby amended to read as follows:

Salaries

SEC. 10. The salary of the commissioner shall be four thousand dollars per annum; the salary of each deputy commissioner shall be twenty-four hundred dollars per annum; the salary of the assistant deputy shall be twenty-one hundred dollars per annum; the salary of the statistician shall be twenty-one hundred dollars per annum; the salary of the stenographer shall be twelve hundred dollars per annum, to be audited by the controller and paid by the state treasurer in the same manner as other state officers. There shall also be allowed a sum not to exceed forty thousand dollars per annum for salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the bureau.

Traveling  
Expenses

SEC. 3. All the provisions of said act in conflict with the provisions of this act are hereby repealed.

CHAPTER 551.

*An act to amend an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, by amending sections four, seven, twelve and fourteen thereof.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act." approved June 3, 1913, is hereby amended to read as follows:

Sec. 4. Upon receipt of an application for a license the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency. The commissioner of labor may administer oaths, subpoena witnesses and take testimony in respect to matters contained in such application and in complaints of any character against the applicants for such license, and upon proper hearing may refuse to grant a license. Each application shall be granted or refused within thirty days from date of filing. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings. No license shall be granted to a person whose license has been revoked within three years from the date of application. Each license shall run to the thirty-first day of March next following the date thereof and no longer, unless sooner revoked by the commissioner of labor.

Application  
for license

Limitations  
on grants

Power to  
revoke  
licenses

The commissioner of labor shall have the power and authority to revoke any license after a hearing, when it is shown that the licensee or his agent has violated or failed to comply with any of the provisions of this act, or when such licensee has ceased to be of good moral character, or when the conditions under which the license was issued have changed or no longer exist. At any hearing the commissioner of labor shall not be bound by the technical rules of evidence, and his rulings shall be presumed to be prima facie reasonable, and his findings of fact shall, in the absence of fraud, be conclusive and shall be set aside by the superior court only on the following grounds:

Grounds for  
setting aside  
findings

1. That the commissioner of labor acted without or in excess of his powers.

2. That the determination was procured by fraud.

SEC. 2. Section seven of said act is hereby amended to read as follows:

License fee.

Sec. 7. Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the commissioner of labor a license fee of one hundred dollars in cities of the first, first and one-half and second classes, and a license fee of fifty dollars in cities of the third and fourth classes and a license fee of ten dollars in all other cities and towns.

Bond

Such persons shall also deposit before such license is issued, with the commissioner of labor, a surety bond in the penal sum of two thousand dollars in cities of the first, first and one-half and second classes, or a surety bond in the penal sum of one thousand dollars in cities of the third and fourth classes, or a surety bond in the penal sum of five hundred dollars in all other cities and towns. Such surety bonds to be approved by the commissioner of labor and such bonds shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with the provisions of this act and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful acts or omissions of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license or caused by any other violation of this article in carrying on the business for which such license is granted. All moneys collected for licenses as provided herein and all fines collected for violations of the provisions hereof shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

SEC. 3. Section twelve of said act is hereby amended to read as follows:

Applicant's  
fee

Sec. 12. No such licensed person shall accept a fee from any applicant for employment, or send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and in no case shall such licensed person accept, directly or indirectly, a registration fee of any kind. In case the applicant paying a fee fails to obtain employment such licensed agency shall repay the amount

of said fee to such applicant upon demand being made therefor; *provided*, that in cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant has been sent; *provided, however*, where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency, or such portion of said fee as in the judgment of the commissioner of labor may be adequate.

Sec. 4. Section fourteen of said act is hereby amended to read as follows:

Sec. 14. No licensed person conducting an employment agency shall send or cause to be sent, any woman or minor under the age of twenty-one years, as an employee to any house of ill fame or to any house or place of amusement for immoral purposes, or to places resorted to for the purpose of prostitution, or gambling houses, the character of which such licensed person could have ascertained upon reasonable inquiry. No licensed person shall send any minor under the age of eighteen years to any saloon or place where intoxicating liquors are sold to be consumed on the premises. No licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agencies. No licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of the child labor law. No licensed person shall send an applicant to any place where a strike, lockout or other labor trouble exists without notifying the applicant of such conditions and shall in addition thereto enter a statement of such facts upon the receipt given to such applicant. No licensed person shall divide fees with an employer, or an agent of an employer, or with any superintendent, manager, foreman, or other employee of any person, firm or corporation to which help is furnished.

Agencies shall not send applicants to certain places

Fees not to be divided with employers

CHAPTER 552.

*An act to amend section two hundred twenty-five of the Code of Civil Procedure, relating to the manner of serving jurors by the sheriff.*

[Approved May 28, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred twenty-five of the Code of Civil Procedure is hereby amended to read as follows:

225. The sheriff, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to

Summons to jurors

attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by registered mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified.

## CHAPTER 553.

*An act to amend section five hundred eighty-five of the Code of Civil Procedure of the State of California, referring to judgment upon failure to answer.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section five hundred and eighty-five of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Judgment if  
defendant  
fails to  
answer.

585 Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if the defendant has been personally served and no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk, upon application of the plaintiff, must enter the default of the defendant, and immediately thereafter enter judgment for the amount demanded in the complaint, including the costs, against the defendant, or against one or more of several defendants, in the cases provided for in section four hundred and fourteen.

2. In other actions, if the defendant has been personally served and no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided.

3. In all actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to any one for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; *provided*, that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; *provided, further, however*, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

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CHAPTER 554.

*An act to amend section one thousand six of the Civil Code, referring to occupancy of real property.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand six of the Civil Code is hereby amended to read as follows:

1006. Occupancy for any period confers a title sufficient against all except the state and those who have title by prescription, accession, transfer, will or succession; *provided, however*, that the title conferred by such occupancy shall not be a sufficient interest in real property to enable the occupant or his privies to commence or maintain an action to quiet title under the provisions of section seven hundred thirty-eight of the Code of Civil Procedure of this state, unless such occupancy shall have ripened into title by prescription.

Occupancy  
confers  
certain title.

## CHAPTER 555.

*An act to amend section one thousand two hundred and seventy-two of the Code of Civil Procedure, relating to escheated property and the procedure in relation thereto*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand two hundred and seventy-two of the Code of Civil Procedure is hereby amended to read as follows:

Claim to  
escheated  
property

1272. Within five years after judgment in any proceeding had under this title, a person not a party or privy to such proceeding may file a petition in the superior court of the county of Sacramento, showing his claim or right to the property, or the proceeds thereof. Said petition shall be verified, and, among other things must state:

The full name, and the place and date of birth of the decedent whose estate, or any part thereof, is claimed.

The full name of such decedent's father and the maiden name of his mother, the places and dates of their respective births, the place and date of their marriage, the full names of all children the issue of such marriage, with the date of birth of each, and the place and date of death of all children of such marriage who have died unmarried and without issue.

Whether or not such decedent was ever married, and if so, where, when and to whom.

How, when and where such marriage, if any, was dissolved.

Whether or not said decedent was ever remarried, and, if so, where, when and to whom.

The full names, and the dates and places of birth of all lineal descendants, if any, of said decedent, the dates and places of death of any thereof who died prior to the filing of such petition; and the places of residence of all who are then surviving, with the degree of relationship of each of such survivors to said decedent.

Whether any of the brothers or sisters of such decedent ever married, and, if so, where, when and whom.

The full names, and the places and dates of birth of all children the issue of the marriage of any such brother or sister of decedent, and the date and place of death of all deceased nephews and nieces of said decedent.

Whether or not said decedent, if of foreign birth, ever became a naturalized citizen of the United States, and if so, when, where, and by what court citizenship was conferred

The post office names of the cities, towns or other places, each in its appropriate connection, wherein are preserved the records of the births, marriages and deaths hereinbefore enumerated, and, if known, the title of the public official or other person having custody of such records.

If for any reason, the petitioner is unable to set forth any of the matters or things hereinabove required, he shall clearly state such reason in his petition.

A copy of such petition must be served on the attorney general at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it is determined that such person is entitled to the property, or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or if it has been sold and the proceeds paid into the state treasury, then it must order the controller to draw his warrant on the treasury for the payment of the same, but without interest or cost to the state, a copy of which order, under the seal of the court, shall be a sufficient voucher for drawing such warrant. All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within one year after their respective disabilities cease.

Copy of petition served on attorney general

Failure to appear.

CHAPTER 556.

*An act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred and sixty-nine a, relating to escheated property and the procedure in relation thereto.*

[Approved May 28 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be numbered section one thousand two hundred sixty-nine a of said Code of Civil Procedure and to read as follows:

1269a. Whenever the attorney general is informed that any estate has escheated or is about to escheat to the state or that the property involved in any action or special proceeding has escheated or is about to escheat to the state, he may commence an action on behalf of the state to determine its rights to said property or may intervene on its behalf in any action or special proceeding affecting any such estate and contest the rights of any claimant or claimants thereto. He may also apply to the superior court, or any judge thereof, for an order directing the county treasurer to deposit in the state treasury all moneys and effects in his possession which may become payable to the state treasury pursuant to section one thousand seven hundred thirty-seven of this code.

Action to determine state's right to escheated property.

## CHAPTER 557.

*An act to amend section one thousand two hundred and sixty-nine of the Code of Civil Procedure, relating to escheated property and the procedure in relation thereto.*

[Approved May 28 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand two hundred and sixty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Action on behalf of state.

1269. At any time after two years after the death of any decedent, dying intestate and leaving property to which the state is entitled by reason of its having escheated to the state, the attorney general shall commence an action on behalf of the state in the superior court for Sacramento county to have it adjudged that the state is so entitled. Such action shall be commenced by filing a petition, which shall be treated as the information elsewhere referred to in this title. There shall be set forth in such petition a description of the property, the name of the person last possessed thereof, the name of the person, if any, claiming such property, or any portion thereof, and the facts and circumstances by virtue of which it is claimed the property has escheated. Upon the filing of such petition, the court must make an order requiring all persons interested in the estate to appear and show cause, if any they have, within sixty days from the date of the order, why such estate should not vest in the state. Such order must be published at least once a week for four successive weeks in a newspaper published in said county of Sacramento, the last publication to be at least ten days prior to the date set for the hearing. If proceedings for the administration of such estate have been instituted, a copy of such order must also be served upon all attorneys who have appeared therein, if any, and a copy must also be filed with the papers in such estate in the office of the county clerk of the county where such proceedings were had. If proceedings for the administration of any estate of any such decedent have been instituted and none of the persons entitled to succeed thereto have appeared and made claim to such property, or any portion thereof, before the decree of final distribution therein is made, or before the commencement of such action by the attorney general, or if the court shall find that such persons as have appeared are not entitled to the property of such estate, or of any portion thereof, the court shall, upon final settlement of the proceedings for the administration of such estate, after the payment of all debts and expenses of administration, distribute all moneys and other property remaining to the State of California. Where proceedings for the administration of any estate have not been commenced within six months from the death of any decedent the attorney general may direct the public administrator to commence the same forthwith.

Description of property.

Order to appear.

If proceedings for administration have been instituted.

CHAPTER 558.

*An act to amend section seven hundred fifty-one and one-half of the Political Code, relating to appointment and salary of stenographer of the clerk of the supreme court.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven hundred fifty-one and one-half of the Political Code is hereby amended to read as follows:

751½. The clerk of the supreme court is hereby authorized to employ a stenographer, whose salary shall be fifteen hundred dollars annually, and be payable at the same time and in the same manner as other state officers are paid.

Stenographer for clerk of supreme court.

CHAPTER 559.

*An act to amend section twenty-one of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911 (statutes 1911, page 530), as amended by an act approved June 12, 1913 (statutes 1913, page 615), relating to revenue and taxation.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twenty-one of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911 (statutes 1911, page 530), as amended by an act approved June 12, 1913 (statutes 1913, page 615), relating to revenue and taxation, is hereby amended to read as follows:

Sec. 21. The taxes levied under the provisions of this act shall constitute a lien upon all the property and franchises of every kind and nature belonging to the companies subject to taxation for state purposes, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the company,

Corporation tax, lien on property and franchises

and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof. No final discharge in bankruptcy or decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the secretary of state file any such discharge or decree, or file any other document by which the term of existence of any corporation shall be reduced or terminated until all taxes, penalties, and costs due on assessments made under the provisions of this act shall have been paid and discharged.

### CHAPTER 560.

*An act to amend section one thousand two hundred and fifty-one of the Code of Civil Procedure of the State of California, relating to when a plaintiff in eminent domain proceedings must pay the sum of money assessed.*

[Approved May 29, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred fifty-one of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Time of  
paying  
assessment

1251. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed. In case the plaintiff is the State of California, or is a public corporation, and it appears by affidavit that bonds of said state or public corporation must be issued and sold in order to provide the money necessary to pay the sum assessed, then such sum may be paid at any time within one year from the date of such judgment; *provided, further*, that if the sale of any such bonds can not be had by reason of litigation affecting the validity thereof, then the time during which such litigation is pending shall not be considered a part of the one year's time in which such payment must be made. In case the use is for railroad purposes, the plaintiff may, at the time of or before payment, elect to build the farm or private crossings, fences and cattle-guards; and if he so elect, shall execute to the defendant a bond, with surties to be approved by the court in double the assessed cost of the same, to build such farm or private crossings, fences and cattle-guards within eighteen months from the time the railroad is built on the land taken, and if such bond be given, need not pay the cost of such farm or private crossings, fences and cattle-guards. In an action on such bond, the plaintiff may recover reasonable attorney's fees. In case of property being taken by the state or any county, or city and county, for highway purposes, the state or such county, or city and county, may elect to build the fences for which damages

Property  
taken for  
railroad  
purposes

Property  
taken for  
highway  
purposes.

may have been assessed and in such case the amount assessed shall be deposited with the clerk of the court having jurisdiction of the action, and if such fences are not constructed within one year from the date of judgment the said money shall be paid to the defendant or defendants entitled thereto, or to his or their order, who shall immediately build said fences. In case the state, or county, or city and county, builds said fences the moneys deposited shall be returned to said state or county, or city and county, and in case the said moneys are paid to the owner or owners of the lands condemned and are not used for said purposes, within one year from the date of judgment, the same may be recovered by said state, or county, or city and county.

CHAPTER 561.

*An act to add a new section to the Civil Code, to be numbered section three hundred twenty a, relating to waiver of notice of meeting by directors of corporations.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be known as section three hundred twenty a, and to read as follows:

320a. When all the directors of a corporation are present at any directors' meeting, however called or noticed, and sign a written consent thereto, on the record of such meeting, or if the majority of the directors are present, and if those not present sign in writing a waiver of notice of such meeting, which waiver is presented and made a part of the records of such meeting, the transactions of such meeting are as valid as if had at a meeting regularly called and noticed.

Waiver of notice of corporation meeting

CHAPTER 562.

*An act validating and confirming the organization of lighting districts.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Every lighting district formed and established under the provisions of an act approved March 20, 1909, entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and

Lighting districts validated

holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors"; or any act or acts amendatory thereof, the formation and establishment of which have been authenticated by a resolution adopted by the board of supervisors of the county in which said district is situated and entered in the minutes of said board, declaring said lighting district formed and established under the provisions of said act and amendments thereto, which has not been dissolved under the provisions of said act, is hereby declared to have been a valid lighting district from the date of adoption by the said board of supervisors of the order establishing the same and said districts and each of them are hereby declared to be and to have been from said date a valid lighting district and all proceedings or actions of any such lighting district, heretofore had or performed, in pursuance of the provisions of the law under which said district is organized, are hereby validated, ratified, confirmed and declared to have been and to be legal.

#### CHAPTER 563.

*An act to amend section one thousand two hundred forty-eight of the Code of Civil Procedure of the State of California, relating to what must be ascertained or assessed by the court, jury or referee at the trial of proceedings under title VII, part III of the Code of Civil Procedure.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twelve hundred forty-eight of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff:

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages

What must be ascertained and assessed in condemnation suits.

assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

If property be water

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad; and such court, jury or referee shall also determine the necessity for and designate the number, place and manner of making such farm or private crossings as are reasonably necessary or proper to connect the parcels of land severed by the easement condemned, or for ingress to or egress from the lands remaining after the taking of the part thereof sought to be condemned, and shall ascertain and assess the cost of the construction and maintenance of such crossings;

If property be for a railroad.

6. If the removal or relocation of structures or improvements is sought, the cost of such removal or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid.

If property is mortgaged.

## CHAPTER 564.

*An act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section one hundred eighty-eight, relating to the disposition of funds paid by order of court.*

[Approved May 29, 1915 In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered section one hundred eighty-eight, and to read as follows:

Funds paid  
by order of  
court

188. When any money is deposited with the clerk of any superior court pursuant to any action or proceeding therein or pursuant to any order, decree or judgment of the court, or when any money is to be paid to the treasurer pursuant to any provision of this code, such money shall be forthwith deposited with such treasurer and a duplicate receipt of the treasurer therefor shall be filed with the auditor. The certificate of the auditor that such duplicate receipt has been so filed shall be necessary before the clerk or party required to deposit such money shall be entitled to a discharge of the obligation imposed upon him to make such deposit. When any money so deposited is to be withdrawn or paid out, the order directing such payment or withdrawal shall require the auditor to draw his warrant therefor and the treasurer to pay the same.

Withdrawal

## CHAPTER 565.

*An act to add a new section to the Code of Civil Procedure to be numbered one hundred three a, relating to the duties of clerks of certain justices of the peace.*

[Approved May 29, 1915 In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one hundred three a, to read as follows:

Powers of  
clerks of  
justices of  
the peace

103a. In every township wherein provision is made by law for a clerk, or clerks, for the justice of the peace, or the justices of the peace, of such township, said clerk or clerks, in addition to the other powers conferred upon them by law, shall have power to administer and certify oaths to affidavits, and all papers, documents or instruments used in, or in connection with, the civil actions or proceedings in such justices courts and to issue summons and other writs in civil actions in said courts in the name of the justice before whom the same is pending or out of whose court the same is issued.

CHAPTER 566.

*An act to amend section four hundred eleven of the Code of Civil Procedure, relating to service of summons.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred eleven of the Code of Civil Procedure is hereby amended to read as follows:

411. The summons must be served by delivering a copy Service of summons thereof as follows:

1. If the suit is against a corporation formed under the laws of this state: to the president or other head of the corporation, vice president, secretary, assistant secretary, cashier or managing agent thereof.

2. If suit is against a foreign corporation, or a non-resident joint stock company or association, doing business and having a managing or business agent, cashier or secretary within this state: to such agent, cashier or secretary.

3. If against a minor, under the age of fourteen years, residing within this state: to such minor, personally, and also to his father, mother, or guardian: or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: to such person, and also to his guardian.

5. If against a county, city or town: to the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

6. In all other cases to the defendant personally

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CHAPTER 567.

*An act to amend an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and creation of ex officio boards of supervisors," approved March 20, 1909; amended March 23, 1911, and June 1, 1913.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section three of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to

provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and creation of ex officio boards of supervisors," approved March 20, 1909, amended March 23, 1911, and June 4, 1913, is hereby amended to read as follows:

Petition for  
public  
highway  
lighting  
district.

Notice of  
hearing.

Publication

Objections.

Hearing.

Changes in  
boundaries

Sec. 3. Upon the application, by petition, of twenty-five or more taxpayers and residents of said town or village presented at a regular meeting of the board of supervisors of the county in which the said town or village is situated, praying for the formation of a public highway lighting district, and setting forth the name and boundaries of the said proposed district, the board of supervisors shall fix a day and hour for hearing the same, and protests of interested parties, not less than twenty-five nor more than thirty days after the date of presentation thereof. The clerk of the board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notice shall be headed "Notice of the proposed formation of ----- lighting district" (stating name of the proposed lighting district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of such petition, the date and hour set for hearing such petition and protests of interested parties, specify the boundaries of the proposed district and refer to said petition for further particulars. The said clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and published, as above provided, at least seven days before the date set for the hearing of said petition. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement, or to the inclusion of his property in said district, may file a written protest, setting forth such objections, with the clerk of said board at or before the time set for the hearing of said petition. The clerk of said board shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said board shall hear said petition and protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said board shall not extend the boundaries of said district, nor shall said board modify such

boundaries so as to exclude from such proposed district any territory which will be benefited by said improvement, nor shall any territory which will not, in the judgment of said board be benefited by said improvement be included within such proposed district. At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and, after hearing be denied or the boundaries of the proposed district be defined and established with modifications, as above provided, then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

The said board of supervisors must, within thirty days after acquiring jurisdiction to proceed as provided above, by resolution, order that an election be held in the said proposed district for the determination of the question, and shall appoint three qualified electors thereof to conduct said election; which must be held within forty days from the date of the order.

Order for election.

SEC. 2. Section eighteen of said act is hereby amended to read as follows:

Sec. 18. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors voting thereon, at an election called by the board of supervisors, upon the question of dissolution. Upon a petition signed by fifty or more property owners and residents of such lighting district, asking for the dissolution of said district, the board of supervisors shall within thirty days after receiving said petition, by resolution, order that an election be held in the said district, for the determination of the question, and appoint three qualified electors thereof to conduct said election. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, any property which may have been acquired by such lighting district shall vest in any incorporated town or city that may at such time be in occupation of a considerable portion of the territory of such lighting district; and if there be no such incorporated town or city, then such property shall be vested in the board of supervisors of the county wherein such lighting district is situated until the formation of such incorporated town or city; *provided, however,* that if at the time of the election to dissolve such district there be any outstanding indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such outstanding indebtedness; and from the time such district is thus dissolved until such indebtedness is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the board of supervisors of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, as herein provided.

District may be dissolved

Order for election.

Disposition of property

Outstanding indebtedness

## CHAPTER 568.

*An act to amend section twenty-three hundred nineteen of the Political Code of the State of California, relating to the state commissioner of horticulture, and prescribing the powers, duties and compensation of said state commissioner of horticulture and the officers and employees appointed by said commissioner, and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twenty-three hundred nineteen of the Political Code is hereby amended so as to read as follows:

Commissioner  
of  
horticulture.

2319. The state commissioner of horticulture of California shall be a citizen and resident of this state, and his term shall be for four years, and until his successor is appointed and qualified. The governor may remove such commissioner from office at any time upon filing with the secretary of state a certificate of removal signed by the governor. In the case of vacancy in said office by death, resignation, removal from office or other cause the governor shall fill the vacancy for the unexpired term. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and to be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. Said commissioner shall be a civil executive officer.

Salary.

The salary of said commissioner shall be four thousand dollars per annum, and he shall be allowed his traveling and incidental expenses necessary in the discharge of his duties. For the direction and accomplishment of his work the said commissioner may and is hereby empowered to appoint certain deputies, secretary, quarantine officers, superintendents, assistants, and clerk as hereinafter provided, who shall hold office at the pleasure of said commissioner and perform any and all duties pertaining to their office or employment which the said commissioner may require of each of them, and may be removed from office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy, secretary, quarantine officer, superintendent, assistant, or clerk. The traveling and other necessary expenses incurred by the officers and employees herein provided for in the performance of their duties shall be paid from the funds appropriated for the support of the office of the state commissioner of horticulture. Said commissioner may arrange his office into four divisions, to wit: Execu-

Deputies,  
etc

Traveling  
expenses

Divisions of  
office.

tive office, quarantine division and insectary division. Said Deputy, commissioner may appoint a chief deputy who shall be an expert entomologist and horticulturist and shall have charge of the work in the field and shall represent the commissioner ex officio with the county horticultural commissioners when so authorized in accordance with the provisions of the law. Such chief deputy shall receive a salary of two thousand four hundred dollars per annum. Said commissioner may appoint Secretary a secretary who shall be a civil executive officer. Said secretary shall be versed in horticulture and entomology and shall compile such bulletins and such publications as may issue from the office of said commissioner from time to time, and shall perform all other duties as may be required of him by said commissioner. Such secretary shall receive a salary of two thousand four hundred dollars per annum. Said commis- Clerk sioner may appoint a clerk whose salary shall be one thousand six hundred dollars per annum. The main office of such commissioner shall be at the city of Sacramento. The superintendent of capitol building and grounds shall furnish and set aside at the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices at a rental not to exceed one thousand dollars per year. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the secretary during the absence of the commissioner. Said commis- San sioner may also keep and maintain an office in the city and Francisco office county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars. Said commissioner may appoint Quarantine officers. for the work of the quarantine division a chief deputy quarantine officer who shall be a skilled entomologist and particularly conversant with the nature of foreign insect pests and diseases and effective means of preventing their introduction, and shall have charge of the commissioner's San Francisco office provided for in this section of this act. Such chief deputy quarantine officer shall receive a salary of two thousand four hundred dollars per annum. Said commissioner may appoint two deputy quarantine officers, one to serve at San Francisco and the other to serve at Los Angeles. Such deputy quarantine officers shall be competent entomologists for the purpose of quarantine work, and shall receive a salary of one thousand eight hundred dollars each per annum. Said Insectary. commissioner shall also properly maintain and operate the state insectary located on the state capitol grounds in Sacramento from funds provided by law for such purpose, and

shall appoint for the work of the insectary division a superintendent of the insectary, who shall be an expert entomologist able to perform all the necessary duties with reference to the importation, rearing and distribution of beneficial insects. The salary of the superintendent of the state insectary shall be two thousand four hundred dollars per annum. Said commissioner may appoint an assistant superintendent of the insectary, who shall be an economic entomologist, at a salary of one thousand eight hundred dollars per annum. Said commissioner may appoint a field deputy for the insectary division, who shall be a practical entomologist and whose salary shall be one thousand five hundred dollars per annum. The salaries of all the officers above mentioned shall be paid at the same time and in the same manner as the salaries of other state officers. Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required and such temporary deputies shall receive such reasonable compensation per diem as may be fixed by said commissioner.

#### CHAPTER 569.

*An act to validate the organization and formation of levee districts.*

[Approved May 29, 1917. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Levee  
districts  
validated

SECTION 1. All levee districts, the organization and formation of which, have been authenticated by an order or declaration of a board of supervisors in this state declaring the same a levee district, such declaration or order being recorded in a book kept for that purpose, as required by law, and which levee districts thereafter have acted in the form and manner of levee districts under the provisions of "An act to provide for the formation of levee districts in the various counties of this state, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, and the amendments thereto are hereby declared to be and to have been levee districts from the date of the recording of the declaration or order of the board of supervisors; and all the acts of said levee districts heretofore performed according to the act aforesaid are hereby validated and declared as legal.

CHAPTER 570.

*An act to amend sections one and five of an act entitled "An act to provide for the management and control of the state agricultural society by the state," approved April 15, 1880, as amended and approved June 11, 1913.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to provide for the management and control of the state agricultural society by the state," approved April 15, 1880, as amended June 11, 1913, is hereby amended to read as follows:

Sec. 1. The state agricultural society is hereby declared to be a state institution: *provided*, that all rights and privileges which have heretofore accrued to members of said society under its rules, either through payments made or by services rendered, are hereby recognized and continued.

Rights of state agricultural society continued

SEC. 2. Section five of said act is hereby amended to read as follows:

Sec. 5. The state board of agriculture shall be charged with the exclusive management and control of the state agricultural society as a state institution; shall have possession and care of its property and be intrusted with the direction of its entire business and financial affairs. It shall define the duties of the secretary and treasurer, fix their bonds and compensation, and shall have power to make all necessary changes in the constitution and rules for the society, to adapt the same to the provisions of this act and to the management of the society, its meetings and exhibitions. It shall provide for an annual fair or exposition by said society of the industries and industrial products of this state and commercial products exported and imported through the ports of this state at the city of Sacramento each year; *provided*, that in any year during which an international exposition conducted in whole or in part under the auspices of the State of California and endorsed by the United States government, is held within the State of California and the state board of agriculture deems it inexpedient to hold a state fair, the funds of the state agricultural society for that year only may be expended in co-operation with the management of said exposition to provide for a proper exploitation of the industries of California at such exposition; *provided, further*, that in no event shall the state be liable for any premium awarded or debt created by the said state board of agriculture; *provided, further*, that the collections and receipts from sources other than state appropriations, shall be reported monthly by the secretary to the controller of state, and shall be paid to the state treasury. Such receipts shall be credited to the state agricultural society contingent fund, which is hereby created, and shall be solely for the use of the society.

Duties of state board of agriculture

Annual fair.

May be suspended during year of international exposition

CHAPTER 571.

An act to amend an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, by amending sections eight, eleven and twelve.

[Approved May 29, 1915. In effect August 8, 1915.]

The people of the State of California do enact as follows:

SECTION 1. Section eight of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, is hereby amended to read as follows:

License for employment for less than minimum wage.

Sec. 8. (a) For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

License for apprentices

(b) For any occupation in which a minimum wage has been established, the commission may issue to an apprentice or learner, a special license authorizing the employment of such apprentice or learner, for such time and under such conditions as the commission may determine at a wage less than such legal minimum wage; and the commission shall fix a special wage for such apprentice or learner.

(c) The commission may fix the maximum number of women, and minors under eighteen years of age, to be employed under the licenses provided for in subdivisions (a) and (b) of this section in any occupation, trade, industry or establishment in which a minimum wage has been established.

SEC. 2. Section eleven of said act is hereby amended to read as follows:

Payment of less than minimum wage, unlawful.

Sec. 11. The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty

of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and every employer or other person who, either individually or as an officer, agent or employee of a corporation, or other persons, violates or refuses or neglects to comply with the provisions of this act, or any orders or rulings of this commission, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Penalty.

SEC. 3. Section twelve of said act is hereby amended to read as follows:

Sec. 12. In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work and the standard conditions of labor fixed by the commission as herein provided, shall be prima facie presumed to be reasonable and lawful, and to be the living wage, the maximum hours of work and standard conditions of labor required herein. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: Within twenty days from the date of the determination, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice of the other. Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

Prosecution

Findings of fact conclusive.

Complaint served with summons

Hearing

(1) That the commission acted without or in excess of its powers.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

Controversy recommitted

## CHAPTER 572.

*An act to amend an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved April 16, 1909, statutes of California of 1909, page 948," and approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, approved April 16, 1909, statutes of California, of 1909, page 948," and approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, is hereby amended to read as follows:

Title of act	Sec. 1. This act shall be known as the tenement house act, and its provisions shall apply to all incorporated towns, incorporated cities, cities and counties in the State of California.
Enforcement	It shall be the duty of the department of health of incorporated towns, incorporated cities and cities and counties to enforce all the provisions of this act; <i>provided, however</i> , that incorporated towns, incorporated cities, cities and counties in the State of California shall have and are hereby given authority to designate and charge by ordinance, any other department than the department of health with the enforcement of this act or any portion thereof; <i>provided</i> , that the department of health of incorporated towns, incorporated cities and cities and counties shall always have supervision over and shall enforce the provisions of this act relating to sanitation, ventilation and health in all tenement buildings not in course of actual construction or alteration, and shall issue the permit hereinafter mentioned, entitled "Permit of occupancy upon completion of construction." In the event that an incorporated town, incorporated city or city and county shall by municipal ordinance designate another and different department than the department of health to enforce the provisions of this act or any of them which by

the provisions of this act may by such ordinance be transferred to the control of another department than the department of health all powers not so transferred shall be and remain in the department of health; *provided, however*, that the commission of immigration and housing of California shall enforce the provisions of this act which do not deal with actual construction of tenement houses in all incorporated towns, incorporated cities, cities and counties in the State of California whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department of health in writing of such violation, or violations, and said local department of health does not, within thirty days thereafter, enforce this act in the instances specified in said written notice; *provided, however*, that the said commission of immigration and housing of California shall enforce the act only in the instances specified in said written notice.

Sec. 2. For the purpose of this act certain words and phrases are defined as follows: Definitions

A tenement house is any house or building, or portion thereof, of more than one story, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of four families or more living independently of each other, and doing their cooking upon the premises, or by three families so living and cooking, and having a common right in the halls, stairways, yards, water-closets, or some or any of them. "Tenement house"

*Provided*, that a building of not more than two stories in height, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of not more than four families living independently of each other, and so constructed that each section is arranged to be occupied as the home or residence of a separate family and each section having an entirely independent and separate entrance and stairway from the street or from an outside vestibule on the level of the first floor of said building and with no room, hall, bath room, water-closet, kitchen or other convenience used in common by two or more families occupying said building, shall not come within the definition of a tenement house contained in this act.

An "apartment" in a tenement house is a room or a suite of rooms which is occupied, or is intended or designed to be occupied as a family domicile. "Apartment"

A "yard" is an open, unoccupied space on the same lot with a tenement house, situated in the rear of said tenement house; *provided*, that in case of a corner lot the yard may be placed in the rear of either frontage. "Yard."

A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard and bounded on three sides by a tenement house on the same lot is an outer court. If it extends to the "Court"

street it is a street court. If it extends to the yard it is a yard court. If it extends from the street to the yard it is a street-to-yard court. A court bounded on one side and both ends by a tenement house and on the remaining side by a lot line is a "lot-line" court.

A "court" bounded on one side and one end by a tenement house and on the remaining side by lot line and the remaining end open to the street or yard is a lot line outer court.

"Shaft." A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bathroom.

"Public hall." A "public hall" is a hall, corridor or passageway not within an apartment.

"Private hall." A "private hall" is a hall, passageway, corridor or vestibule within an apartment.

"Stair hall." A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance hall and roof.

"Basement." A "basement" is a story partly below the level of the curb, the ceiling of which is not less than seven feet above the curb level.

"Cellar." A "cellar" is any story partly or wholly below the level of the curb, the ceiling of which is less than seven feet above the curb level.

"Fireproof tenement house." A fireproof tenement house is one the walls of which are constructed of brick, stone, iron or other incombustible material, and in which there are no wooden beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron, or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails, and hardwood treads.

"Wooden tenement." A "wooden tenement" is a tenement of which the exterior walls or a portion thereof are of wood. Wooden buildings covered with metal, plaster, terra cotta, or veneered with masonry are wooden structures.

Length and width. For the purpose of this act the greatest horizontal linear dimension of any building shall be its length and the next greatest horizontal linear dimension its width.

Height. The height of buildings shall be measured from the curb level at the center of the main front of the building to the top of the highest point of the roof beams in case of flat roofs, and for high-pitched roofs the average height of the gable shall be taken as the highest point of the building.

For a building erected upon a street corner, the measurements shall be taken from the curb level opposite the center of either front.

When the ground upon which the walls of a structure are built is above the street level, the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure.

Sec. 3. A building not erected for use as a tenement house, if hereafter altered or converted to such use, shall thereupon become subject to all of the provisions of this act affecting tenement houses hereafter erected. Buildings altered subject to act

Sec. 4. No tenement house shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof be erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the department of health or the department charged with the enforcement of this act may cause such building to be vacated, and such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform with the law. Unlawful structures.

Sec. 5. No tenement house hereafter erected shall occupy more than ninety per cent of a corner lot or more than seventy-five per cent of any other lot, except as otherwise provided in this act; *provided*, that the space occupied by open iron fire escapes erected and constructed according to law shall not be deemed a part of the lot occupied, but that the space occupied by fireproof stairs, and by vent shafts thirty-two square feet or less in area, shall be considered as part of the lot occupied. For the purposes of this section the measurements may be taken at the level of the second tier of beams (the second floor level), except where rooms on the ground floor are to be used for sleeping apartments. Area of lot covered

Sec. 6. By corner lot is meant a lot situated at the junction of two streets, or of a street and public alley or other public thoroughfare or public park, not less than sixteen feet in width. Any portion of the width of such lot distant more than fifty feet from such junction shall not be regarded as part of a corner lot, but shall be subject to the provisions of this act respecting other than corner lots. Where, in any corner lot, the two frontages are of unequal length, either street frontage may be taken as the width of the lot. Street frontage alone and not alley frontage shall be considered in determining such lesser frontage. Corner lot

Sec. 7. The height of no tenement house hereafter erected shall by more than one-half exceed the width of the widest street upon which it stands. Limit of height

Sec. 8. Behind every tenement house hereafter erected, there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky, unobstructed, except that open iron fire escapes may project not over four feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house toward the rear line of the lot, shall be as provided in the following sections. Yard behind each house.

Depth of  
yard, lot not  
on corner.

Sec. 9. Except upon a corner lot, as provided in section ten, or upon a lot running through from street to street or street to public alley, or public park as provided in section eleven, the depth of the yard behind every tenement house hereafter erected sixty feet in height shall not be less than twelve feet in every part. Said yard shall be increased in depth two feet for every additional twelve feet in height of the building or fraction thereof, and may be decreased in depth one foot for every twelve feet in height of the building less than sixty feet; but it shall never be less than ten feet in depth in every part.

In the event that two tenement houses or a tenement house and another structure of more than one story in height are constructed or erected upon the same lot, then and in that event the full yard space as set forth in this section shall be provided for each of such buildings. In no case shall two buildings of more than one story in height abut upon the yard of a width as herein provided for a single tenement house.

To determine the depth of yard as described in this section, the measurement shall be taken of the rear wall of such tenement house abutting on said yard and from the top of such wall to the level of the floor of the yard at such rear wall.

Depth of  
yard, lot on  
corner.

Sec. 10. The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part and at every point open and unobstructed from the level of the second tier of beams (the second floor level); *provided*, that where any such lot is less than one hundred feet in depth the depth of the yard be not less than ten per centum of the greatest depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by this act. If rooms on the ground floor are used as sleeping apartments the yard shall be taken from the ground up. When a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section nine of this act.

One-half of  
alley  
included.

Sec. 11. Whenever a tenement house is hereafter erected upon a lot which runs through from one street to another street or public alley or public park and said lot is not more than one hundred and fifty feet in depth one-half of the width of the street or alley upon which the yard abuts may be included in the depth of the yard required by sections nine and ten, but said one-half not to exceed in width the depth of the yard for such lot provided in sections nine and ten; *provided*, that on such lot no tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy-five per centum of any other lot.

One-half the width of the rear street or public alley or public park, immediately behind said lot, may be included in the portion of lot that is left uncovered in computing the percentage; *provided*, that whenever said one-half the width of said rear street, or public alley or public park equals or exceeds the

depth of yard required in section ten, if the lot be a corner lot, or in section nine, if the lot be not a corner lot, only such portion of such street, or public alley or public park may be included in computing the percentage to be left uncovered as will equal the depth of yard required for said lot.

When one-half the width of such rear street, or public alley or public park is less than the depth of the yard required for such lot by the provisions of sections nine and ten it may be included in computing the percentage of the lot to remain uncovered.

If a lot is surrounded upon its four sides by streets or streets and public alleys twenty feet or more wide or public parks over twenty-four feet wide, the provisions relating to yards in sections eight, nine, ten and eleven need not be complied with; *provided*, that the tenement house to be constructed on such lot does not occupy more than seventy-five per centum of the lot and contains an outer court at least eighty feet deep and of a width twice as great as the depth prescribed for yards in section nine, and open to one of the surrounding streets, public alleys, or public parks; *provided*, that said outer court shall not be required to be of a depth which shall leave less than fifty feet between the rear line of said court and the line of said lot immediately behind said court.

Sec. 12. No court or vent shaft of a tenement house hereafter erected shall be covered by a roof or skylight, but every such vent shaft or court shall be at every point open from at least two feet above the floor of the lowest apartment abutting upon such vent shaft or court to the sky, unobstructed, except that open iron fire escapes, as required by law, or by ordinances or regulations of incorporated towns, incorporated cities or cities and counties, may project into the court, but not more than four feet from the wall of the house. All courts in tenement houses hereafter erected shall conform to the requirements of the following sections.

Except that recesses may be built on the street or yard or a court, provided the depth of same is no greater than the width and that their area be not counted in computing the area of the court.

Sec. 13. The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths:

Building	Least width	Maximum length
2 stories	4 feet	16 feet
3 stories	4 feet 6 inches	25 feet
4 stories	5 feet 6 inches	30 feet
5 stories	6 feet	35 feet
6 stories	8 feet	35 feet
7 stories	10 feet	40 feet
8 stories or more	12 feet	40 feet

The length of outer courts shall not be more than the maximum lengths given in the above table unless six inches be added to the minimum widths for each additional five feet or fraction thereof in length. The lot-line outer courts and street-to-yard courts shall have the same minimum width as outer courts but are not governed by the provision in this section regarding maximum lengths.

Inner courts

Sec. 14. The inner courts of all tenement houses hereafter erected shall have areas and minimum widths in all parts, not less than the widths and areas as follows:

Building	Area in square feet	Least width
2 stories -----	75	6 feet
3 stories -----	120	7 feet
4 stories -----	160	8 feet
5 stories -----	250	12 feet
6 stories -----	400	16 feet
7 stories -----	625	20 feet
8 stories or more -----	840	24 feet

Courts on which only certain windows open

*Provided*, that when only the windows of kitchens containing not more than seventy-five square feet of floor area or of bath rooms or toilets open or are designed to open upon an inner court and said court is entirely open and free from obstruction from the bottom hereof to the sky, said court shall have areas and minimum widths in all parts not less than the areas and widths specified in the following table:

Building	Area in square feet	Least width
2 stories -----	75	6 feet 0 inches
3 stories -----	84	7 feet 0 inches
4 stories -----	112	8 feet 0 inches
5 stories -----	144	12 feet 0 inches
6 stories -----	240	16 feet 0 inches
7 stories -----	360	20 feet 0 inches
8 stories or more -----	400	20 feet 0 inches

Lot line courts.

Sec. 15. Lot line courts in tenement houses hereafter erected shall have areas and minimum widths in all parts not less than those specified in the following table:

Building	Area in square feet	Least width
2 stories -----	50	4 feet 0 inches
3 stories -----	72	6 feet 0 inches
4 stories -----	105	7 feet 0 inches
5 stories -----	180	9 feet 0 inches
6 stories -----	300	12 feet 0 inches
7 stories -----	490	14 feet 0 inches
8 stories or more -----	595	17 feet 0 inches

Lot line courts on which only certain windows open.

*Provided*, that when only the windows of kitchens containing not more than seventy-five square feet of floor area or of bath rooms or toilets open or are designed to open upon a lot-line court and said court is entirely open and free from obstruction from the bottom thereof to the sky, said court

shall have areas and minimum widths in all parts not less than the areas and widths specified in the following table:

Building	Area in square feet	Least width
2 stories -----	50	4 feet 0 inches
3 stories -----	50	4 feet 0 inches
4 stories -----	60	6 feet 0 inches
5 stories -----	108	9 feet 0 inches
6 stories -----	144	12 feet 0 inches
7 stories -----	168	14 feet 0 inches
8 stories or more-----	225	15 feet 0 inches

Sec. 16. Every inner court including lot line courts, shall be provided with one or more horizontal air intakes at the bottom. Such intakes shall always communicate directly with the street or yard, and shall consist of an unobstructed passageway, not less than three feet wide and six feet six inches high, which shall be left open, or if not open, there shall always be provided in such passageway open grilles and transoms one at each end of a size not less than ten square feet each, and such open grilles or transoms shall never be covered with glass or in any other way. In case the court does not go down below the second floor level, the intake shall consist of unobstructed open ducts having an open interior area of not less than sixteen square feet at any point, and covered at each end with a wire screen of not less than one-inch mesh. Such duct shall be so arranged as to be easily cleaned out. These ducts or intakes must in any case be either of fireproof construction or lined with No. 26 galvanized iron on inside.

Air intakes  
in inner  
courts

Sec. 17. No existing tenement house shall (unless the rear of the lot upon which it stands abuts upon a public alley at least ten feet wide) hereafter to be enlarged or its lot be diminished so that there will not be a yard immediately behind said tenement house building of the size required by this act for tenement house buildings hereafter constructed. Where a tenement house, now or hereafter erected, stands upon a lot, other than a corner lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings shall be at least ten feet, if neither building exceeds the height of one story; or twelve feet if either building exceeds the height of one story, but not the height of two stories, and so on, two additional feet to be added to such minimum distance of ten feet for every story more than one in the height of the highest building on such lot. Every rear tenement hereafter erected, or every tenement that hereafter becomes a rear tenement by the erection of a building or buildings on the front of the same lot, shall have direct access to a street, or to a public alley at least sixteen feet wide, by a passageway not less than five feet wide by seven feet high.

Reducing  
yard of  
tenements  
prohibited

Rear  
tenements to  
have access  
to street

Sec. 18. In every tenement house hereafter erected every room, except water-closet compartments and bath rooms, shall have a window or windows of the area required by section

Windows

nineteen of this act, opening directly upon the street or upon a yard or a court of the dimensions specified in sections eight to sixteen of this act, and such windows shall be located so as to properly light all portions of such rooms.

Total  
window area.

Sec. 19. In every tenement house hereafter erected, the total window area of each room within each apartment, except water-closet compartments and bath rooms, shall be at least one-eighth of the superficial area of the room, except in the cellar or basement, where it shall be one-sixth, and the upper half of all windows shall be made so as to open the full width. The total window area of any such room shall never be less than twelve square feet, measured to outside of sash.

Dimensions  
of rooms.

Sec. 20. In every tenement house hereafter erected all rooms, except water-closet compartments and bath rooms, shall be of the following dimensions: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least ninety square feet of floor area. Each room shall be in every part not less than nine feet from the finish floor to the finished ceiling; *provided*, that an attic room need be but nine feet high in but half its area. Except that small closets, and water-closet compartments, and bath rooms may be not less than seven feet six inches in height and except that kitchens or pantries may be less than ninety square feet of area; *provided*, that same are not occupied or intended or designed to be occupied as bed rooms.

Alcoves.

Sec. 21. In every tenement house hereafter erected an alcove in any room shall be separately lighted and ventilated and must conform to all the requirements of other rooms, and shall not be less than ninety square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain or portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than ninety square feet; *provided, however*, that closets or alcoves of not more than twenty-five square feet floor area do not come within the provisions of this section; *provided, further*, that it shall be unlawful to do any cooking or prepare any food in closets or alcoves unless they conform to all the provisions of sections eighteen and nineteen of this act relative to windows.

Curtains.

Windows in  
public halls.

Sec. 22. In every tenement house which is hereafter erected, which is occupied or arranged to be occupied by more than two families on any floor, or which exceeds four stories and cellar in height, every public hall or stair hall shall have at least one window at each floor opening directly upon the street or upon a yard or court, except as otherwise provided in this section. Any part of a hall divided off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section; and if no window from such hall opens directly upon a street or upon a

yard or court, there shall be a skylight over each such public hall with louvres and at least twenty square feet of glass area over buildings two stories in height. The area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height of the building, and a stair well be provided. The clear open area of such stair well at each floor to be equal to one-third of the area of the glass in such skylight, and all doors leading from such public halls shall be provided with translucent glass panel of an area of not less than five square feet for each door and also with fixed transom of translucent glass over each door; *provided*, that in a stair hall that does not have a window opening directly upon a street or upon a yard or court in lieu of such window a skylight with louvres and at least twenty square feet of glass area shall be constructed in the roof over such stairway.

Skylights over public halls.

Sec. 23. In every tenement house hereafter erected, one at least of the windows provided to light each public hall or part thereof shall have an area of at least twelve square feet measured to outside of sash.

Area of hall windows

Sec. 24. In every tenement house hereafter erected, the windows required by law on each floor to light or ventilate stair halls, shall be at least fifteen square feet of area measured to outside of sash. Sash doors in entrance halls and public halls shall be deemed the equivalent of a window for lighting purposes; *provided*, that such doors contain the amount of glazed surface prescribed for windows.

Area of stair hall windows

Sec. 25. Every vent shaft hereafter constructed in a tenement house shall be at least sixteen square feet in area, and the least dimension of such vent shaft shall be at least four feet: and, if such vent shaft is above fifty feet in height measured from the bottom to the top of said shaft, such vent shaft shall throughout its entire height be increased in area three square feet for each addition of twelve feet or fraction thereof above fifty feet.

Area of vent shafts

Every such vent shaft shall be constructed of fireproof materials or shall be covered on the outside (weatherside) with metal and on the inside (room side) with metal lath and plaster, excepting that portion of such vent shaft extending from the ceiling of the topmost story of the building may be covered with metal on both sides in lieu of metal lath and plaster.

Vent shafts of fireproof materials

Every such vent shaft shall be provided with an air intake or duct at the bottom, communicating with the street or yard, or a court; such air intake shall be three square feet in total area: such air intake may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Such ducts shall be constructed of fireproof material and shall enter the shaft at or near the bottom thereof, and shall be provided with a wire screen of not more than one inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in a vent shaft.

Air intakes in vent shafts

Plumbing in vent shafts.

Water-closets.

Sec. 26. In every apartment of four or more rooms in a tenement house hereafter erected, access to every living room and bed room and to at least one water-closet compartment shall be had without passing through any bed room.

No living rooms in cellars.

Sec. 27. In no tenement house hereafter erected shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, converted, or occupied for living purposes, unless all of the following conditions of this act be complied with, and at least two thirds of the basement shall be above grade for building; *provided*, in each case of each such room the ceiling shall be at least seven feet above the adjoining street grades and actual ground levels.

Living rooms in basements

(1) Such rooms shall be at least nine feet in every part from the floor to the ceiling

(2) There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city or city and county in which the tenement house is or is to be built

Damp-proofed walls.

Sec. 28. If the basement of any tenement house hereafter erected is used or designed to be used for living purposes it shall have all walls below the ground level and all cellar or lower floors damp-proofed and water-proofed. When necessary to make such floors and walls damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls as high as the ground level and continue throughout the floor. All cellars and basements in such tenement houses shall be properly lighted and ventilated to the satisfaction of the department charged with the enforcement of this act.

Drainage of courts, shafts, etc.

Sec. 29. In every tenement house hereafter erected the bottom of all shafts, courts, areas, and yards which extend to the basement for light or ventilation of living rooms, shall not be more than two feet above the floor of the lowest apartment abutting on such court, shaft, area or yard. In every tenement house all shafts, courts, areas and yards shall be properly graded and drained and connected with the street or sewer so that all water may pass freely through into it, and when required by the department charged with the enforcement of this act, shall be properly concreted

Sinks.

Sec. 30. In every tenement house hereafter erected, there shall be in each apartment a proper sink with running water.

Water-closets, bath tubs, etc.

Sec. 31. In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, and one shower bath or bath tub in a separate compartment, shall be provided on each floor for every ten rooms or fraction thereof and arranged so that one bath tub or shower is accessible to each apartment; *provided*, that where there are apartments consisting of but one or two rooms there may be one water-closet compartment for every

two such apartments accessible from each such apartment through the public hall, and not more than twenty feet distant from an entrance of each such apartment

Each compartment shall not be less than two feet four inches wide and shall be enclosed with plastered partitions which shall extend to the ceiling.

Every such water-closet compartment shall have a window or windows of at least six square feet total area opening directly upon a vent shaft, court, street or yard. Water-closet windows.

However, a bathtub or shower may be placed in a separate water-closet compartment where neither bath tub or shower, or water-closet are to be used by more than one apartment.

Every water-closet compartment shall be provided with proper means for lighting same by night. Lighting

The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, cement or some other non-absorbent waterproof material, which shall be satisfactory to the department charged with the enforcement of this act. Floor waterproof

Sec. 32. No wooden tenement house shall hereafter be erected which shall contain more than one hundred and fifty rooms exclusive of bath rooms. Number of rooms in wooden tenement

Sec 33. No wooden tenement house exceeding three stories in height, exclusive of cellar, shall hereafter be erected. However, the building may step up or down to follow the grade; *provided*, no part of the said building is over three stories in height; *provided, however*, that a wooden tenement containing a basement or a full first story the floor of which is not below the level of the curb may, where such basement or story is not used or designed to be used for living purposes, be constructed with not more than three stories of living apartments above such basement or such first story, *and provided, further*, that when three stories of living apartments are constructed or designed to be constructed or occupied above such first story or basement of a wooden tenement such first story or basement shall not be of such height as to have more than fourteen feet or less than nine feet between the finished floor and finished ceiling. Height of wooden tenement

Where such wooden tenement contains three stories designed for living purposes no stores shall be placed therein. No stores.

Whenever in a wooden tenement three stories of apartments designed for living purposes are constructed above such last mentioned basement or story, such basement or story may contain reception or amusement rooms, not to exceed five in number, which shall be for the use of the tenants of the building and are not to be used for commercial purposes, and shall not contain apartments used or designed to be used for living purposes. Amusement rooms in basement.

Every tenement house may contain not to exceed five such reception or amusement rooms for the use of the tenants of the building and not to be used for commercial purposes. Every reception or amusement room shall have a minimum floor area of not less than one hundred and fifty square feet. Number and area of amusement rooms

and a minimum width of not less than ten feet and shall have a window or windows therein, opening upon a street or public alley, or other public thoroughfare or public park, or court or yard, as follows:

Window  
area

When such room contains not more than one hundred and eighty square feet of floor area the window area, if said room is not a basement room, shall be not less than one-eighth the superficial area of said room, and if located in a basement shall be not less than one-sixth the superficial area of such room, and the upper half of the windows shall be made so as to open the full width.

No reception or amusement room containing more than one hundred and eighty square feet of floor area shall have a lesser window area than that provided for such rooms containing one hundred and eighty square feet of floor area.

Not for  
lodgings.

No such reception or amusement room shall be used for lodgings, sleeping apartments or family domicile.

Height of  
ceiling.

Whenever such reception or amusement rooms are placed in a wooden tenement building or in a tenement which is not a wooden tenement, the story or basement in which such rooms are located shall have a minimum height between the finished floor and finished ceiling of not less than nine feet.

Basement  
with living  
rooms  
deemed  
a story.

No wooden tenement shall contain more than three stories used or designed to be used for living purposes and a basement containing living apartments shall be counted as a story in determining the number of stories of a tenement house. Such tenement house may step up or down to follow the grade

Non-fire-  
proof  
tenement  
may be  
four stories  
high

Sec. 34. A non-fireproof tenement house may be built four stories in height; *provided*, the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of buildings are complied with. If in addition to above requirements all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided*, the height limits imposed by municipal ordinance for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade; *provided*, that no part of said building exceeds the number of stories provided for in this section.

Tenements  
over six  
stories to be  
fireproof.

Sec. 35. Every tenement house hereafter erected exceeding six stories or parts of stories in height (above the curb) shall be a fireproof tenement house. A cellar is not a story within the meaning of this section.

Standpipes  
and  
fire escapes.

Sec. 36. Every tenement house shall be provided and equipped with standpipes and with metallic fire escapes, combined with suitable metallic balconies, platforms and railings, as provided for, or which shall be provided for by the ordinances of the incorporated town, incorporated city or city and county in which the tenement house is situated. No incumbrance of any kind shall at any time be placed before, upon or against any stairway, steps, or landings or fire escapes in or

upon any tenement house. All fire escapes upon tenement houses shall be kept in good order and repair, and every exposed part thereof shall at all times be protected against rust by durable paint.

Sec 37. Every tenement house hereafter erected, more than two stories in height, shall have a stairway not less than three feet in width leading to an opening on to the roof and provided with a penthouse over such a stairway (such penthouse to be constructed on the inside and ceiling of the same materials as required in this section for the walls enclosing stairway, and provided with a door). Such stairway shall be provided with proper handrail and be enclosed with walls of fireproof materials or wood studs lathed on the stair side with metal lath and plaster, or such wood studs may be covered with metal in lieu of metal lath and plaster. Any door opening from such stairway to the roof space shall be covered on the stair side with metal. The soffits of all such stairs shall be covered with metal or metal lath plastered.

Stairway to roof

Sec. 38. Every tenement house hereafter erected, more than two stories in height, shall have at least one flight of stairs extending from the entrance floor to the roof and the stairs and public halls therein shall be at least three feet wide in the clear and every non-fireproof tenement house containing not more than fifty rooms shall have a secondary flight of stairs running from the top floor down to the second floor and not less than two feet six inches wide. A fire escape may take the place of this second stairway, provided said fire escape connects directly with a public hallway or is accessible to each apartment.

Stairs from entrance to roof

Sec 39. Every non-fireproof tenement house hereafter erected containing over fifty rooms, exclusive of bath rooms above the entrance story, shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof if said house contains not more than one hundred rooms above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building shall be at least one-half wider than is specified in sections thirty-eight and forty-two of this act. However, where an additional flight of stairs is added in accordance with the provisions of this section, the secondary stairway required in section thirty-eight may be omitted.

Stairs in non-fireproof tenements.

Sec 40. Every fireproof tenement house hereafter erected containing over one hundred and twenty rooms above the entrance story exclusive of bath rooms, shall have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof, but if said house contains not more than one hundred and eighty rooms above the entrance story, exclusive of bath rooms, in lieu of an additional stairway the stairs, stair halls and entrance halls throughout the entire building may each be at least one-half wider than is specified in sections thirty-eight and forty-two of this act, and if such house contains not more than three hundred rooms

Additional stairs in fireproof tenements of over 120 rooms

above entrance story, exclusive of bath rooms, in lieu of four stairways there may be but three stairways; *provided*, that one of such stairways and the stair halls and entrance halls connected therewith are at least one-half wider than is specified in sections thirty-eight and forty-two of this act.

Construction  
of stairs

Sec. 41. Each flight of stairs mentioned in the last two sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings. Where winders are used all treads at a point eighteen inches from the strings on the wall side shall be at least ten inches wide.

Entrance  
halls.

Sec. 42. Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches in the clear from the entrance up to and including the stair enclosure, and beyond this point three feet wide in the clear. In every tenement house hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

No closets  
under  
stairways.

Sec. 43. In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any stairway leading from the first story exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

Cellar  
entrances.

Sec. 44. In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

Tenements  
not to be  
increased  
in height.

Sec. 45. No tenement house shall be increased in height or its lot decreased so that its yard shall be diminished to less than is required by sections eight to eleven inclusive of this act, or so that a greater percentage of the lot shall be occupied by buildings or structures than provided for in section five of this act. For the purpose of this section, the measurements for computing the percentage of lot to be occupied may be taken at the level of the second tier of beams, the second floor level, except in tenement houses where rooms on the ground floor are to be occupied as sleeping apartments; *provided*, that the space occupied by open iron fire escapes and by chimneys or flues located in yards and attached to the house, which do not exceed five square feet in area and do not obstruct the light or ventilation, shall not be deemed part of the lot occupied.

Height  
limited

Sec. 46. No tenement house shall be increased in height so that said building shall exceed in height by more than one-half the width of the widest street on which it stands.

Area of  
shafts or  
courts.

Sec. 47. Any shaft or court used or intended to be used to light or ventilate rooms intended to be used for living purposes, and which may hereafter be placed in tenement houses erected prior to the passage of this act, shall not be less in area than twenty-five square feet, or less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight.

Sec. 48 Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of this act applicable to tenement houses to be erected hereafter, except that such rooms may be the same height as the other rooms of the same story of the house

Additional rooms to comply with act.

Sec. 49 No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health department or other department designated by municipal ordinance for that purpose.

Light or ventilation not to be diminished

Sec. 50. No part of any room in any tenement house shall hereafter be enclosed or subdivided wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided, shall contain a window as required by section eighteen of this act, and have a floor area of not less than ninety square feet; *provided, however,* that closets or alcoves of not more than twenty-five square feet in area do not come within the provisions of this section.

Rooms not to be subdivided by curtains

Sec. 51. Every new water-closet hereafter placed in a tenement house, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of section thirty-one of this act relative to water-closets in tenement houses hereafter erected

New water-closets.

Sec. 52. No existing wooden tenement house shall hereafter be increased in size so as to contain more than one hundred and fifty rooms exclusive of bath rooms.

Wooden tenements limited to 150 rooms

Sec. 53. No wooden tenement house shall be increased in height so as to exceed three stories exclusive of the cellar. However, the building may step up or down to follow the grade; *provided,* no part of said building is over three stories in height.

Not to exceed three stories high.

Sec. 54 A non-fireproof tenement house may hereafter be altered to be four stories in height; *provided,* the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of buildings are complied with. If in addition to the above requirements all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided,* the height limits imposed by municipal ordinances for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade; *provided,* no part of the said building exceeds the number of stories provided for in this section.

Alteration of non-fireproof tenements

Sec. 55 No tenement house shall hereafter be altered to exceed six stories or parts of stories in height unless it is a fireproof tenement house. A cellar is not a story within the meaning of this section

Only fire-proof tenements over six stories.

Stairs to roof not to be removed      Sec. 56 No stairs leading to the roof in any tenement house shall be removed or replaced with a ladder, unless a new stairway is built in conformity with requirements of section thirty-seven

Public halls not to be reduced.      Sec. 57 No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in sections thirty-eight and forty-two of this act.

Light burning in halls      Sec. 58 In every tenement house containing fifteen rooms or more, where the public halls and stairs are not in the opinion of the health department or other department designated by municipal ordinance for that purpose, sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway near the stairs upon each floor from sunrise to sunset

Sec. 59. In every tenement house containing fifteen rooms or more, a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

Water-closets in cellar      Sec. 60. No water-closets shall be maintained in the cellar of any tenement house without a special permit in writing from the health department, or other department designated by municipal ordinance for that purpose, which shall have power to make rules and regulations governing the maintenance of such closets.

One water-closet to two families      Sec. 61 In every tenement house existing prior to the passage of this act, at least one water-closet shall be provided for every two families; *provided, however,* that the health department or other department designated by municipal ordinance for that purpose may exempt any tenement house existing prior to the passage of this act from the provision in this section above contained, whenever, in the judgment of said department, it would not be detrimental to the health of the occupants of said tenement house and the written permit be signed by an officer of said department authorized so to do and filed in said department as a part of its records; *provided, further,* that the above exemption shall not apply to extensions of or additions to tenement houses existing prior to the passage of this act.

No living rooms in cellar except on certain conditions.      Sec 62. In no now existing tenement house shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered or converted to be occupied for living purposes, unless all of the following conditions of this act be complied with, and at least two-thirds of the basement shall be above grade for building; *provided,* in each case it shall be at least seven feet above the street grade and actual ground level. Such rooms shall be at least eight feet six inches high in all now existing tenement houses in every part, from the floor to the ceiling. There shall be appurtenant

to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city, or city and county in which the tenement house is or is to be built. All walls shall be damp-proofed, and there shall be an open area way extending to bottom of basement floor and running clear across outside of at least one room in each apartment

Sec. 63. In all tenement houses the floor and wall surfaces beneath and around all water-closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light colored paint.

Floors around water-closets to be kept in repair

Sec 64 The owner of every tenement house shall see that such house and all parts thereof shall be kept in good order and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, ceilings, yards, or areas

Roof kept in repair

Sec. 65 The owner of every tenement house shall see that such house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected or belonging to the same.

Houses to be kept clean

Sec 66 The walls of all yard courts, inner courts and shafts, unless built of light colored brick or stone, shall be thoroughly whitewashed by the owner, lessee or tenant, or shall be painted a light color and so maintained.

Cont't walls whitewashed

Sec. 67 In all tenement houses, the health department or other department designated by municipal ordinance for that purpose may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such rooms, and may require this to be renewed as often as may be necessary.

Paint to improve lighting of rooms

Sec. 68 No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Wall paper.

Sec 69. The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

Garbage receptacles

Sec. 70. No horse, cow, calf, swine, goat, rabbit, or sheep, chickens or poultry shall be kept in a tenement house, or within twenty feet thereof on the same lot, and no tenement house or the lot or premises thereof, shall be used for a lodging house or stable, or for the storage or handling of rags

Animals not to be kept in tenements.

Sec. 71. Whenever there shall be more than eight families living in any tenement house, in which the owner does not reside, there shall be a janitor, housekeeper, or some responsible person who shall reside in said house and have charge of same, as the department charged with the enforcement of this act shall so require.

Janitor

400 cubic  
feet of air to  
each person

Sec. 72 No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each person occupying such room.

Combustible  
articles not  
to be stored  
in tene-  
ments

Sec. 73 No tenement house or any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article except under such conditions as may be prescribed by the department of any incorporated town, incorporated city, or city and county to which this act applies, which are charged with the enforcement of laws, ordinances, or regulations, relating to the erection of buildings, the protection of public health and police and fire protection. No tenement house nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers, or rags.

No bakeries  
in tene-  
ments.

Sec. 74 No bakery, and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceilings and side walls of said bakery or place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of said building.

Transoms  
where  
paints are  
stored

Sec. 75 All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire glass or they shall be removed and closed up as solidly as the rest of the wall. And all doors leading into such hall from such portion shall be made fireproof.

Scuttles  
and pent-  
houses

Sec. 76 All scuttles and penthouses and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no penthouse door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

Sleeping  
rooms to  
have  
windows on  
streets, etc.

Sec. 77 No room in a tenement house erected prior to the passage of this act shall hereafter be occupied for sleeping purposes, unless it shall have a window opening directly upon the street, or upon a yard not less than ten feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air, or is on the top floor and has a window opening upon a court not less than ten square feet in area and not more than three feet below the top of the walls of said court. Every room in such tenement house, regardless of the use thereof, shall comply with the above provisions; or, if the room be not used for sleeping purposes, shall be provided with a sash window, opening into an adjoining room in the same

apartment, which latter room either opens directly on the street or on a yard of the above dimensions. Said sash window shall be a vertically sliding pulley, hung sash not less than three feet by five feet between stop beads, both halves shall be made so as to readily open, and shall be glazed with translucent glass, and so far as possible it shall be in line with windows in outer rooms opening on the street or yard as to afford a maximum of light and ventilation.

Sec. 78. In all now existing tenement houses whenever a public hall on any floor is not light enough in the day time to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted; or said public hall may be lighted by a window at the end thereof with the plane of the window at right angles to the axis of said hall, said window opening upon the street or upon a yard or court.

Glass may be required in doors of public halls.

Sec. 79. In all now existing tenement houses, the wood-work enclosing all water-closets shall be removed from the front of said closets and the space underneath the seat shall be left open. The floor and other surface beneath and around the closet shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

Space under water-closets open.

Sec. 80. In all now existing tenement houses the woodwork enclosing sinks or lavatories, located in rooms, located in public halls or stairs shall be removed, and the space underneath sink or lavatory, shall be left open. The floors and wall surfaces beneath and around the sink or lavatory shall be maintained in good order and repair, and if of wood shall be well painted.

Space under sinks open.

Sec. 81. In all now existing tenement houses there shall be at the bottom of every shaft or inner court, a door or window giving sufficient access to each shaft or court to enable it to be properly cleaned out.

Access to shafts for cleaning.

Sec. 82. In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or scwage, shall be completely removed and the place where they are located properly disinfected under the direction of the health department or other department designated by municipal ordinance for that purpose. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street, or yard, or on a court of the minimum size prescribed in section twenty-five of this act. The floors of the water-closet

School sinks to be removed.

Water-closet compartments.

compartment shall be waterproof as provided in section thirty-one of this act. Where water-closets are placed in the yard to replace school sinks or privy vaults, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating skylight in the roof, of adequate size, and each water-closet shall be located in a compartment separated completely from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one water-closet for every two families in every tenement house existing on the day this act takes effect subject to the provisions of section sixty-one of this act. Except as in this section otherwise provided such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

One water-closet to two families

Penthouse in roof.

Sec. 83. Every tenement house of more than two stories in height erected prior to the passage of this act, shall have in the roof a penthouse or a scuttle which shall not be less than twenty-one by twenty-eight inches, and located in the ceiling of a public hall. All scuttles shall be covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or locks. All key locks on scuttles and on penthouse doors shall be removed.

Scuttles not to be locked.

Plans to be submitted to health department

Sec. 84. Before the construction or alteration of a tenement house or the alteration or conversion of a building for the use of a tenement house is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect shall submit to the health department or other department designated for that purpose by ordinance of the municipality in which said work is contemplated, a detailed statement in writing, verified by the affidavit of the person making the same, of the construction of such tenement house or building or of such alterations proposed to be made to the said tenement house or building, upon blanks or forms to be furnished by such department. Also a full and complete copy of the plans and specifications of the tenement house or building proposed to be erected or altered, as the case may be, together with a plan of the lot on which such building is proposed to be erected or altered or such portion of the lot as will be set aside exclusively for and under the control of the said tenement house building. Such statement shall give in full the name and residence by street and number of the owner or owners of such tenement house or building. Also the name and business address by street and number of the architect and the contractor. Said affidavit shall allege that said plans, specifications and lot plan are true and contain a correct description of such tenement house, building lot, structure and proposed work. The

statements and affidavits herein provided for may be made by the owner or his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with said department an affidavit alleging that he is authorized by the said owner to act for him and to sign the required affidavit. Any false swearing in a material point in such affidavit shall be deemed perjury. Such plans, specifications and statements shall be filed in said department and shall be deemed public records. Said department charged with the enforcement of this act shall cause all such plans and specifications to be examined and if such plans and specifications conform to the provisions of this act shall issue a written certificate to that effect to the person submitting the same. Such certificate shall state that "tenement house act has been complied with." Said department may from time to time approve changes in any plans or specifications previously approved by it; *provided*, plans and specifications when so changed shall be in conformity with the provisions of this act. Said department shall have power to revoke or cancel any permit or approval that has been previously issued in case of any failure or neglect to comply with any of the provisions of this act or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. When the original plans are filed a copy shall be presented to the department with which the plans are filed and when the permit to construct or alter is issued said copy shall be certified thereon by said department as a true copy of said plans and delivered to the person applying for said permit and shall be kept upon the premises upon which the tenement house or building is to be constructed or altered from the commencement of the work thereon to the final completion of the construction or alteration and be subject to inspection at all times by all proper authorities.

Approval of plans

Approval of changes.

Power to revoke permit.

Work not to begin until plans are filed

A copy of all changes or alterations in the original plans duly authorized shall also be kept upon the premises or said changes or alterations shall be noted upon the original copy so issued and certified by the department with which the original plans were filed. The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations and repairs, when application is made therefor in writing by the owner, his agent or architect, when the making of said nominal alterations and repairs do not affect any structural feature, light or sanitation of a tenement house building, without requiring the filing of plans, specifications or lot plan.

Changes in original plans

Permit in nominal repairs

Permits  
expire after  
90 days.

Any permit or approval which may be issued by said department but under which no work has been done within ninety days from the date of issuance of such permit or approval or where work has been suspended for a period of ninety days shall expire by limitation, and a new permit shall be obtained before the work may be prosecuted.

Certificate of  
completion  
of tenement  
in conformity  
with act

See 85. Upon the completion of the construction or alteration of a tenement house or alteration of a building into a tenement house and the making of a written application therefor by the owner, his agent, architect or contractor to the health department or other department designated by municipal ordinance to enforce the provisions of this act regarding actual construction or alteration of a tenement house or building, said department, if said building at the date of such application is entitled thereto, shall, within ten days from the date of application, issue a certificate that the tenement house or building or alteration thereof is completed in conformity with the tenement house act, which certificate shall be entitled "certificate of final completion" and upon presentation of said certificate to the department of health of the incorporated town, incorporated city, or city and county in which the building is located and filing the same with such department the department of health shall issue a permit to occupy such tenement house, which last mentioned permit shall be entitled "permit of occupancy upon completion of construction."

Permit of  
occupancy.

Said certificate and said permit shall each be made in duplicate and one copy of each shall remain on file in the department issuing it.

No tenement house shall be occupied in whole or in part for human habitation until the issuance of the said "certificate of final completion" and of said "permit of occupancy upon completion of construction."

Building in  
violation of  
act deemed  
unfit for  
habitation.

See 86. If any building hereafter constructed as or altered into a tenement house, be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupancy said premises shall be deemed unfit for human habitation and the department of health or other department charged with the enforcement of this act may cause them to be vacated accordingly.

Enforcement  
of act

Sec. 87. Except as herein otherwise provided, the provisions of this act shall be enforced by the departments of any incorporated town, incorporated city, or city and county to which this act applies, which are charged with the enforcement of laws, ordinances, and regulations relating to the protection of public health and the erection of buildings.

"Department  
of health"  
defined

By the term "department of health" used in this act is meant any department, portion or part of the government of any incorporated town, incorporated city or city and county to which this act applies which is charged with the enforcement of laws, ordinances and regulations relating to the protection of public health.

Sec. 88. The department of health or other department charged with the enforcement of this act in any incorporated town, incorporated city or city and county to which this act applies, and the officers and agents of such departments shall have the right and it shall be its and their duty to enter into tenement houses and buildings within the said municipal corporation for the purpose of inspecting such houses and buildings to secure compliance with the provisions of this act, and to prevent violations thereof.

Right to enter tenements for inspection.

Inspectors of the commission of immigration and housing shall have the authority and the right to enter into all buildings within the state to which the provisions of this act apply for the purpose of inspecting such buildings to secure compliance with the provisions of this act, and to prevent violations thereof.

Sec. 89. Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of public works or of the courts, to enforce any provisions of the charter or building ordinances and regulations of any incorporated town, incorporated city, or city and county, not inconsistent with this act, or to prevent or punish violations thereof

Local building regulations not impaired

The provisions of this act shall be held to be the minimum requirements adopted for the protection, health and safety of the community. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city or city and county, from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this act.

Act provides minimum requirements.

Sec. 90. Every person who shall violate or assist in violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months or by a fine not exceeding five hundred dollars or by both, and in addition to the penalty therefor shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of the same, in the prosecution of such violation

Penalty for violations

Sec 91. Except as herein otherwise specified the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances of the municipality in which the procedure is taken. In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or of any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure or upon the lot on which it is situated, said departments may institute any appropriate

Procedure for preventing violations

Application  
to superior  
court.

action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said departments may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said departments is not complied with, said departments may apply to the superior court, or to any judge thereof, for an order authorizing said departments to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, building or structure or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Department  
not liable  
for costs.

Power to  
institute  
actions.

The commission of immigration and housing of California shall have power to institute the actions or proceedings provided for in this section.

Fine lien  
on building.

Sec. 92. Every fine imposed by judgment under section ninety of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department of health or other department by municipal ordinance designated for that purpose upon the entry of such judgment, to forthwith file the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Notice of  
pendency  
of action.

Sec. 93. In any action or proceeding instituted by the departments charged with the enforcement of this act, the plaintiff or petitioner may file in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Pro-

cedure. Each county recorder with whom such notice is filed shall record it, and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing a certified copy of such order.

Sec. 94. Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department of health a notice containing his name and address, and also a description of the property, by street and number, and otherwise, as the case may be, in such manner as will enable the departments charged with the enforcement of this act to easily find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of a transfer of any tenement house, it shall be the duty of the grantee of said tenement house to file in the department of health a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duties of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of the decedent, in case he died intestate and within thirty days after the probate of his will, if he died testate.

Owners of tenements to file names and addresses, etc

In case of transfer of tenements, etc

Sec. 95. Every owner, agent or lessee of a tenement house shall file in the department of health a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

Agents' address for receiving service of summons.

Sec. 96. The names and addresses filed in accordance with sections ninety-four and ninety-five shall be indexed by the department of health in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. The said department shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the municipality. Said indexes shall be public records, open to public inspection during business hours.

Names and addresses indexed.

Five days' notice.

Sec. 97. Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sufficiency of service of summons.

Sec. 98. In any action brought by any department charged with the enforcement of this act in relation to a tenement house for injunction, vacation of the premises, or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Penalty for using as house of prostitution

Sec. 99. A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purposes of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

When deemed used as house of prostitution.

Sec 100 A tenement house shall be deemed to have been used for the purposes specified in the last section with the permission of the owner or lessee thereof, if summary proceedings for the removal of the tenants of said tenement house, or so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by a department charged with the enforcement of this act in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

Reputation in neighborhood competent evidence

Sec. 101. In a prosecution against an owner or agent of a tenement house under section three hundred and sixteen of the Penal Code, or in an action to establish a lien under section ninety-nine of this act, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner or lessee; *provided*, that such presumption may be rebutted by evidence

Tenement as defendant.

Sec. 102. Said action shall be brought against the tenement house as defendant. Said house may be designated in the title of the action by its street and number or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be any department charged with the enforcement of this act

Action brought in superior court.

Sec. 103. Said action shall be brought in the superior court in the county or city and county in which the property is situated. At, or before the commencement of the action, the complaint shall be filed in the office of the clerk of the county or city and county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action, and a brief description of the property affected thereby.

Judgment establishes penalty as lien.

Sec. 104 The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments, and to such

mortgages and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action.

Sec. 105. All statutes of the state and ordinances of incorporated towns, incorporated cities and cities and counties, as far as inconsistent with the provisions of this act, are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any incorporated town, incorporated city or city and county of the state, further restricting the percentage of the lot to be covered by a tenement house, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

Inconsistent statutes repealed, except those further restricting

Sec. 106. Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city or city and county by ordinance to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction or increasing the size of yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

Cities may further restrict

Sec. 107. Except as herein otherwise provided, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall repeal, modify or dispense with any provisions of this act.

Tenements to conform with law

Sec. 108. All improvements specifically required by this act upon tenement houses erected prior to its date of passage, shall be made within one year from said date, or at such earlier period as may be fixed by the boards of health charged with the enforcement of this act.

Improvements to be made within one year.

Sec 109. All steam boilers, heating furnaces, or water-heating apparatus, using any fuel other than coal-gas or natural gas, installed in the basement or cellar of any tenement building, shall be enclosed in a room with walls of masonry, reinforced concrete, terra cotta or tile from the basement or cellar floor to the bottom of the first floor joists, and the ceiling of same construction or of not less than three-fourths ( $\frac{3}{4}$ ) inch plaster on metal lath.

Boiler rooms to have masonry walls.

All windows shall be of wire glass not less than one-quarter of an inch thick in metal frames and sashes. All doors leading from said room shall be fire doors and either run on tracks or arranged to swing out and to close automatically.

Windows and doors

All fire doors shall overlap the wall at least three inches at side and top. Sills shall be of metal at least one-quarter of an inch thick on masonry, or of masonry, and have horizontal

Fire doors

faces extending under fire doors and outer edges flush with outer surface of fire doors.

**Sliding doors.** Top of sliding door shall conform to incline on the track, which shall be three-quarters inch to the foot. No door shall be hung on wooden frames or in contact with any woodwork.

**Thickness of doors.** Doors shall be made of three (3) thicknesses of seven-eighths inch by six (6) inch tongued and grooved redwood boards, surfaced both sides, the outer thickness to be placed vertical or diagonal and the inner thickness to be horizontal, nailed with clinched nails.

**Covered with tin.** Doors shall be entirely covered with good tin plate ("IC" charcoal, 109 lbs. to the box), not over fourteen (14) inches by twenty (20) inches in size, laid with locked joints covering nail heads, and all vertical seams shall be double-locked. No solder shall be used.

**Hinges.** All doors shall have hinges, hangers, latches and chafing strips of wrought iron bolted to the doors, and shall have steel tracks, (when sliding doors) and wrought iron stops and binders bolted through the wall. Swinging doors shall have wall eyes of wrought iron built into or bolted through the wall.

**Where oil is burned** Where oil is burned, every doorway shall have a masonry sill rising not less than six (6) inches from the floor.

Where oil is burned the oil shall not be fed to the furnace by a gravity flow.

**Fire escapes.** All tenement houses hereafter constructed of more than two stories in height shall have at least two standard fire escapes, one of which shall be on the front of said tenement house. Tenement houses over two stories in height hereafter constructed located on corner lots shall have at least one standard fire escape, constructed as hereinafter described, placed upon each front of the building upon each frontage upon each street.

**Fire escape balconies.** The fire escape balconies of said standard fire escapes shall commence at the level of the second floor and one such fire escape balcony shall be placed at the level of each floor above such second floor and from the topmost balcony shall extend an iron gooseneck ladder over the firewall to the roof.

**Permit to build.** Sec. 110. Every person desiring to construct or alter a tenement house shall obtain a permit from the department charged with the enforcement of this act. Every owner or lessee of a tenement house shall obtain at the beginning of each year a license from the health department of the incorporated town, incorporated city, or city and county in which said tenement house is situated.

**Annual license**

CHAPTER 573.

*An act to amend an act entitled "An act to establish a board of parole commissioners for the parole of and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, by adding thereto a new section to be numbered one and one-half relating to the granting of paroles and the forfeiture of credits for the violation thereof or of a law of the state or any rule or regulation of the prison, or the board of prison directors or of the board of parole commissioners.*

[Approved, May 20, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section to be numbered section one and one-half is hereby added to an act entitled "An act to establish a board of parole commissioners for the parole and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, to read as follows:

Sec. 1½. The board of parole commissioners may upon granting any parole to any prisoner impose as a condition thereof any term or terms they may deem proper relating to the term of imprisonment or credits of such prisoner, and may impose as a condition thereof that all or a portion of his credits, earned or to be earned, may be forfeited by order of the board in the event that such prisoner shall break his parole or violate any law of the state, or rule or regulation of the prison, of the board of prison directors or of the board of parole commissioners, or any of the terms or conditions of his parole; *provided, however,* that such forfeiture shall not be had except upon a hearing upon the question of such violation and adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits

Conditions of parole

Hearing upon forfeiture.

Parole not to be revoked without cause.

## CHAPTER 574.

*An act to amend an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, by providing for the taking over and administering by counties of certain functions, powers and property previously administered by municipalities that have disincorporated.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. An act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, is hereby amended by adding thereto a new section to be numbered section two *a*, and to read as follows:

Sec. 2*a*. In the event of the disincorporation of any municipality under the provisions of this act, the board of supervisors of the county in which such municipality was situated may by ordinance assume control and authority over all electric, power, lighting or gas plants, or all systems of water-works, or street lighting or other public utilities owned by such municipality at the time of its disincorporation, and thereafter continue to administer and conduct the same. In case the revenues from any such public utility are not sufficient for the administration, conduct or improvement thereof, then said board of supervisors shall have power to levy a special tax upon all properties within the former corporate limits of said municipality, said special tax to be levied upon the assessed value of such properties as shown by the assessment thereof by the county assessor as of March first of that year, and shall be collected in the same manner and form as other county taxes are collected, and all sums so collected shall be placed in a separate fund with the county treasurer for the administration, conduct and improvement of the public utility for which said tax is levied.

Supervisors  
may take  
over public  
utilities of  
disincorpo-  
rated muni-  
cipalities.

CHAPTER 575.

*An act to amend sections two, three, and six, of an act entitled "An act to provide for the division of municipalities into sewer districts and for the construction of, or acquisition and maintenance of sewers therein providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds," approved April 11, 1911.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section two of an act entitled "An act to provide for the division of municipalities into sewer districts and for the construction of, or acquisition and maintenance of sewers therein providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds," approved April 14, 1911, is hereby amended to read as follows:

Sec. 2. Whenever the legislative body of such city, town or municipal corporation shall, by resolution passed by a vote of two-thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of, or acquisition by purchase or otherwise of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district describing the boundaries thereof, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement or acquisition of such sewer, which said resolution shall name a day for the hearing of any and all objections by all or any persons interested in the formation of such sewer district or in the including of any of the lots, pieces or parcels of land within the boundaries so described in said resolution, within such sewer district, which said resolution, together with the names of the members of said legislative body, voting for and against said resolution and the name of the executive approving said resolution shall be published for at least two weeks successively next before the day fixed for said hearing in some newspaper of general circulation printed and published in such municipality. On the day fixed for said hearing, or any day to which said hearing may have been adjourned, said legislative body shall hear and consider any and all objections presented either to the formation of said sewer district or to the including of any lands in the boundaries of said sewer district, and, if, after the hearing of said objections, it shall be determined by a vote of two-thirds of all the members of said legislative body that the public interest requires the formation of such sewer district, then said legislative body shall proceed to fix and determine the boundaries

Resolution describing sewer district in city.

Hearing

thereof, making all necessary and proper changes in the boundaries as proposed and fixed in said resolution and shall, by a resolution passed by a vote of two-thirds of all its members, and approved by the executive of such municipality, establish such sewer district, permanently fix and determine the boundaries thereof, which said resolution, together with the names of the members of said legislative body voting for and against said resolution, together with the name of the executive approving said resolution, be spread upon the minutes of said legislative body. And at any subsequent meeting after the passage and recording of the said resolution, the said legislative body may, by ordinance passed by a vote of two-thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work, if to be constructed, and also describe the territorial district upon which the expense of such proposed sewer work or improvement, or acquisition, shall be chargeable, as hereinafter provided, and shall provide therein for a special election to be held in such city, town or municipal corporation. At such election there shall be submitted to the qualified electors of such city, town or municipal corporation the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, improvement or sewer system to be acquired, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be six (6%) per centum per annum, payable semi-annually.

Plans and specifications.

Election.

Rate of interest

SEC. 2. Section three of said act is hereby amended to read as follows:

Publication of ordinance.

Sec. 3. Said ordinance shall be published once a day for five days prior to the date set for such election, in some newspaper of general circulation printed and published in such municipality, designated by the legislative body of said city, town or municipal corporation, which newspaper is published once a day for at least six days a week in such municipality, or such ordinance shall be published once a week for two weeks prior to the date set for such election, in some newspaper of general circulation, printed and published in such municipality, designated by said legislative body, and published less than six days a week in such municipality, and one insertion

thereof in such last described newspaper each week for two successive weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week. In municipalities where no newspaper is published, such ordinance shall be posted in three public places in the said sewer district for two successive weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation. No other notice of such election need be given. It shall require the affirmative votes of two-thirds of all the aforesaid qualified electors of said city, town, or municipal corporation voting at such election, to authorize the incurring of said indebtedness and the issuance of bonds therefor as provided herein: *provided, however*, if the proposition so submitted at such election fail to receive the requisite number of votes of the aforesaid qualified electors of such city, town or municipal corporation, voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within six months after such election to pass any ordinance calling another election for incurring any indebtedness for sewer work within any sewer district which has within its boundaries any of the territory of the district in which, at said election, the requisite number of votes for the issuance of said bonds has not been cast therefor.

Ordinance posted.

Vote necessary to carry.

SEC. 3. Section six of said act is hereby amended to read as follows:

Sec. 6. Before the legislative body of such city, town or municipal corporation shall award the contract for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this act, said legislative body of said city, town or municipal corporation, shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing said sewer work or improvement, and shall also cause notice of said work inviting said proposals and referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semi-weekly or weekly newspaper, published and circulated in said city, town or municipal corporation, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, town or municipal corporation, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check, payable to the order of the executive officer of said city, town or municipal corporation, certified by a responsible bank for an amount which shall be not less than ten per cent of the aggregate of the proposal, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before an officer competent to administer an oath, in double such amount, and over and above all statutory

Notice of specifications, calling for bids

Certified check

Sureties.

exemptions. Said proposals or bids shall be delivered to the clerk of said legislative body, and said legislative body shall in open session examine and publicly declare the same. Said legislative body may reject any or all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award shall be approved by the executive officer of said city, town or municipal corporation, or a three-fourths vote of the legislative body of said city, town or municipal corporation. If not approved by said executive officer or a three-fourths vote of said legislative body, without further proceedings the said legislative body may re-advertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city, town or municipal corporation, until the contract for doing said work has been entered into by said lowest bidder, whose bid is accepted and approved. But if said bidder fails, neglects or refuses to enter into the contract to perform said work within ten days after said contract shall have been awarded, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, town or municipal corporation. The said legislative body shall have the right to require such bonds as they may deem adequate from the bidder to whom the contract for said work or improvement is awarded, to insure the faithful performance of said contract. Such officer of said city, town or municipal corporation as the legislative body thereof shall designate is authorized, in his official capacity, to make all written contracts and to receive all bonds authorized by this act, and is authorized to fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day until completion, and he may extend the time so fixed from time to time under the direction of said legislative body of said city, town or municipal corporation; *provided, however*, that nothing herein contained shall be construed as prohibiting such city, town or municipal corporation itself from constructing or completing such sewer or improvement, and buying the material, and employing the labor necessary therefor; *provided, however*, that this section shall not apply where sewer systems, or any part of a sewer system, already constructed has been, or is to be acquired under this act; *and provided, further*, that in cities, town and municipal corporations operating under a charter heretofore or hereafter framed, under section 8, article XI of the constitution of the State of California, and providing for a

May reject  
bids

May re-  
advertise.

Disposition  
of checks.

Power  
to make  
contract.

City may  
construct  
sewer.

Cities  
under  
charter.

board or department of public works, all the things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation, and in case such charter also prescribed the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvement shall be let and entered into in conformity with the provisions of such charter.

CHAPTER 576.

*An act to amend section fourteen of an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the costs and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," approved June 6, 1913.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section fourteen of an act entitled "An act to provide for the acquisition, installation, construction reconstruction, extension repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities: for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905" approved June 6, 1913. is hereby amended to read as follows:

Sec. 14. At any time after the funds for the proposed improvement, or any part thereof, shall be in the hands of said treasurer, the city council may let the contract or contracts for such improvement, or the respective parts thereof, and, in so far as said improvement includes the acquisition of works or appliances already installed and any other property

Letting contract for improvement.

necessary or convenient for the operation thereof, or the acquisition of the use of any such works, appliances and property, as hereinabove provided, the council may authorize such acts and proceedings as may be necessary for the purpose of effecting such acquisition. Every such contract shall be let to the lowest responsible bidder after notice published by two insertions in some newspaper published in such municipality, and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide. Every bid shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within fifteen days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sum as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections two and three of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section two of this act was made, and no work shall be paid for until it has been accepted by said board, officer or person. If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the said city council may re-let the work in the same manner as in the case of the first letting thereof, and retain the amount of the cost of the same, and of any expense incidental to the re-letting out of any funds due or to become due, to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond; *provided, however*, that the city council, in its discretion, may, at any time within ten days after the award of any contract, as above provided, or at any time within ten days after the time fixed for the opening of bids, if no bids have been received, order by resolution adopted by a vote of two-thirds of all its members, that said proposed contract be not made, and that the municipality itself execute the work embraced therein, in accordance with the plans and specifications adopted for such work, and employ the labor, and provide the material, appliances, supplies and illuminating agent necessary therefor; and the cost and expenses of such work shall be paid out of the aforesaid funds: *and provided, further*, that the amount appropriated and used from said funds for said purpose shall not exceed the amount of the bid upon which the award of contract aforesaid was made, or, if no bids have been received and the work is to be executed by the municipality itself, as herein provided, such cost and expense shall not

Certified  
check

Work done  
according  
to plans.

Abandon  
ment by  
contractor.

City may  
do work.

exceed the amount of the estimate thereof provided for in section two of this act: and if such cost and expense shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess shall be met out of any moneys in the general fund in the treasury of said city; *and provided, further,* that at any time after the funds for the proposed improvement, or any part thereof, shall be in the hands of said treasurer, the city council, in its discretion, may, without calling for bids, order, by resolution adopted by a vote of two-thirds of all its members, that the municipality itself perform the work of such improvement, or the respective parts thereof, in accordance with the specifications and plans adopted for such work, and employ the labor, and provide the material, appliances, supplies, and illuminating agent necessary therefor; in which case the cost and expense of such work shall be paid out of the aforesaid funds and if such cost and expense shall exceed the amount of such estimates, then such excess shall be met out of the moneys in the general fund of the treasury of said city.

City may not call for bids.

CHAPTER 577.

*An act to amend section forty-two hundred and sixty-two of the Political Code, relating to salaries of officers of counties of the thirty-third class.*

[Approved May 29, 1915. In effect—see section 19.]

*The people of the State of California do enact as follows:*

SECTION 1. Section forty-two hundred sixty-two of the Political Code is hereby amended to read as follows:

4262. In counties of the thirty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Counties of 33d class, salaries of officers.

1. The county clerk, two thousand four hundred dollars per annum; *and provided,* that in each year in which a new and complete registration of voters is required by law, he shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of nine hundred dollars per annum; said deputy to be appointed by the county clerk

County clerk

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of one thousand two hundred dollars per annum; said deputy to be appointed by the sheriff.

Sheriff

- Recorder. 3. The recorder, two thousand four hundred dollars per annum. The recorder shall be allowed three copyists, each of whom shall receive a salary of nine hundred dollars per annum; said copyists to be appointed by the recorder.
- Auditor. 4. The auditor, two thousand four hundred dollars per annum. The auditor shall be allowed one deputy at a salary of nine hundred dollars per annum; said deputy to be appointed by the auditor.
- Treasurer. 5. The treasurer, two thousand four hundred dollars per annum.
- Tax collector. 6. The tax collector, two thousand dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand two hundred dollars per annum; said deputy to be appointed by the tax collector; *and provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of seventy-five dollars per month: said deputy to be appointed by the tax collector.
- Assessor. 7. The assessor, three thousand six hundred dollars per annum. The assessor shall be allowed one chief deputy at a salary of one thousand eight hundred dollars per annum: One deputy at a salary of one thousand three hundred twenty dollars per annum; one deputy for a term of eight months each year at a salary of seventy-five dollars per month; two deputies for a period of three months each year at salaries of one hundred and twenty-five dollars per month each; eight deputies for a period of two months each year at salaries of one hundred and twenty-five dollars per month each; two deputies for a period of one month each year at salaries of one hundred and twenty-five dollars per month each. The said deputies shall be appointed by the assessor at such time or times as said assessor shall see fit.
- District attorney. 8. The district attorney, two thousand four hundred dollars per annum. The district attorney shall be allowed one stenographer at a salary of nine hundred dollars per annum; said stenographer to be appointed by the district attorney.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools, two thousand dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education, and actual traveling expenses when visiting schools in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand two hundred dollars per annum; said deputy to be appointed by the superintendent of schools.
- Surveyor. 12. The surveyor, such fees as are now or may hereafter be allowed by law; *provided*, the surveyor shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed four hundred dollars in any one year.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the thirty-third class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner hereinafter prescribed. The supervisors shall appoint for each township a suitable person who shall take the census of all the inhabitants of said township in the following manner: He shall write in full the name of each inhabitant of the township and thereafter shall make a list of all the names so collected by him arranged in alphabetical order and numbered in one complete series, and when the list thus arranged and numbered is complete he shall verify it before any officer authorized to administer oaths and shall file the same with the county clerk. Such list thus arranged, numbered, verified and filed shall be the official census of said township. Townships having a population of three thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than three thousand five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one thousand two hundred dollars per annum. In townships of the second class, six hundred dollars per annum. In townships of the third class, three hundred dollars per annum.

Classification of townships

Justices of the peace

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, nine hundred dollars per annum. In townships of the second class, six hundred dollars per annum. In townships of the third class, three hundred dollars per annum. Constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court and, in case of conviction, from the court to the county jail.

Constables

15. Supervisors, each, the sum of one thousand two hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization and as road commissioners. Each supervisor shall receive mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in compensation of this office, and it is intended that the same shall apply immediately to the present incumbents.

Supervisors.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.

Reporter.

**Jurors.** 17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.

**Public defender.** 18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.

**In effect.** 19. The provisions of subdivisions one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fifteen, sixteen, seventeen and twenty of this section shall take effect ninety days after the final adjournment of the forty-first session of the legislature; the provisions of subdivisions thirteen and fourteen of this section shall not take effect until the expiration of the present terms of the officers therein enumerated; the provisions of subdivision eighteen of this section shall have no force or effect unless the office therein anticipated is created by constitutional or legislative enactment.

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the general fund of the county on the first Monday of each month.

## CHAPTER 578.

*An act to amend sections two, three and six of an act known as "the building and loan commission act," approved April 5, 1911, and amended by an act approved December 18, 1911, relating to the powers and duties of the building and loan commissioner.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

**SECTION 1.** Section two of an act known as the "building and loan commission act," approved April 5, 1911, and amended by an act approved December 18, 1911, is hereby amended to read as follows:

**Building and loan commissioner.** **Sec. 2.** The administration of said bureau shall be vested in a commissioner, to be known and designated as the "building and loan commissioner," who shall be appointed by the governor and commissioned to hold office at the pleasure of the governor. He must be a citizen of this state; and he must not be in any way connected with any association, corporation or society coming under his supervision. He shall appoint a secretary who shall, ex officio, also be a deputy commissioner with full powers as such, and who must be a practical, skilled accountant, fully conversant with building and loan systems and accounts.

**Secretary.**

SEC. 2 Section three of said act is hereby amended to read as follows:

Sec 3 The commissioner shall receive a salary of thirty-<sup>Salaries.</sup> six hundred dollars per annum, and the secretary shall receive a salary of twenty-four hundred dollars per annum, and such salaries shall be in full for all services rendered. There shall also be allowed and paid the necessary traveling expenses of the commissioner and the secretary, incurred while traveling in the line of their duties, not to exceed the sum of twelve hundred dollars per annum. The commissioner shall procure and have an office in the city of San Francisco, which office shall be kept open for business every business day, during such hours as are commonly observed by the banks of that city as banking hours. For such office there shall be allowed and paid a total rental of not exceeding seventy-five dollars per month. Said commissioner may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed in the aggregate, the sum of sixteen hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers. <sup>Office in San Francisco.</sup>

SEC. 3. Section six of said act is hereby amended to read as follows:

Sec. 6. It shall be the duty of the commissioner, in <sup>Duties.</sup> person, or the secretary at least once in each year, without previous notice, to visit and examine into the affairs of every such association, corporation or society licensed by him, incorporated or doing business in this state; on such occasions he shall have free access to all the books, records, securities and papers of every such association, corporation or society, and shall first count the cash and check the bank balance of such corporation or association with the proper amount of funds as shown by the books to be on hand and at the date and hour of such examination, and shall then examine and verify the books, accounts, and securities, and, so far as possible and consistent, the values of all property owned or held as collateral security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency thereof. He and the secretary shall have power to administer oaths in the <sup>Power to administer oaths.</sup> line of duty, and to examine under oath the officers, employees and agents, or the custodian or receiver, relative to any or all the business thereof. Whenever the result of any such examination shall develop a condition demanding an extended audit of the books and affairs, the commissioner may, for such purpose, appoint a competent auditor at the expense of the association, corporation or society examined. The expense of such audit shall be fixed by the commissioner and shall not exceed fifteen dollars per diem, plus traveling and hotel expenses, for each day actually engaged in the making of the audit and the preparation of the report.

Foreign  
associations  
applying  
for license

The commissioner or the secretary shall examine, or cause to be examined, the books and affairs of any such association, corporation or society formed under the laws of any other state, territory or foreign country applying for a license to enter this state for the transaction of business, prior to the granting of such license and annually thereafter, and for every such examination made outside the state the actual traveling and hotel expenses incurred shall be paid by the association, corporation or society so examined: *provided*, that the result of any similar examination made and certified by the duly constituted authorities of any state having similar laws of supervision may be accepted by the commissioner.

CHAPTER 579.

*An act to amend section four thousand two hundred seventy-seven of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.*

[Approved May 29, 1915. In effect immediately.]

*The people of the State of California do enact as follows:*

SECTION 1 Section four thousand two hundred seventy-seven of the Political Code of the State of California is hereby amended to read as follows:

Counties of  
48th class,  
salaries of  
officers

4277. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

County  
clerk  
Sheriff.

1. The county clerk, two thousand dollars per annum.  
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

Recorder

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

Auditor  
Treasurer  
Tax  
collector

4. The auditor, five hundred dollars per annum.  
5. The treasurer, twelve hundred dollars per annum.  
6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

Assessor

7. The assessor, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be one chief deputy assessor and one deputy assessor, who shall be appointed by the assessor of said county. Said deputy assessor shall serve as such only during the months of March, April, May

and June of each year and shall receive a salary of one hundred dollars per month, payable during the period of such service, and said chief deputy assessor shall receive a salary of twelve hundred dollars per year, such salaries to be payable at the same time and in the same manner as the salary of the county officers is paid.

8. The district attorney, fifteen hundred dollars per annum District attorney

9 The coroner five hundred dollars per annum, and his actual traveling and other expenses while performing the duties of his office. Coroner

10 The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, sixteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools

12. The surveyor, nine hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county. Surveyor

13. Each supervisor, fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner. Supervisors

14 In counties of this class the township officers shall receive the following compensation: Township officers

For the purpose of fixing the compensation of justices of the peace and constables according to their duties townships in counties of this class are hereby classified according to their population as follows: Townships having a population of twenty-four hundred or more shall belong to and be known as townships of the first class. Townships having a population of more than twelve hundred and less than twenty-four hundred shall belong to and be known as townships of the second class. Townships having a population of less than twelve hundred shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries: In townships of the first class forty dollars per month; in townships of the second class twenty dollars per month, and in townships of the third class fifteen dollars per month. Such salaries shall be paid in the same manner and out of the same fund as salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace

15. Constables shall receive the following monthly salaries, payable at the same time and in the same manner as county officers are paid, which shall be in full for all services rendered Constables

by them in criminal actions; in townships of the first class thirty dollars per month; in townships of the second class fifteen dollars per month; in townships of the third class fifteen dollars per month; *provided*, that in addition to the salary here n allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law, and for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in keeping and caring for property seized by him under a writ of attachment or execution; *and provided, further*, that constables may retain for their own use, the fees which are now or may be hereafter allowed to them in civil cases.

16. For the purposes of sections 14 and 15, the population of the several townships shall be ascertained by multiplying by two and one-half the number of registered voters in each township, at the last general election preceding the fixing of this classification.

Jurors

17. Grand jurors and jurors in the superior court shall receive the following fees, for each day's attendance three dollars, and for each mile actually traveled in attending court as a juror, one way, fifteen cents.

18. When this law shall enter into effect it shall apply to and affect incumbents mentioned in sections 7, 14 and 15 hereof.

SEC. 2. This act shall take effect immediately.

## CHAPTER 580.

*An act to amend section 1235 of the Political Code of the State of California, relating to the compensation and fees of officers of counties of the sixth class and their assistants, deputies and clerks.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred thirty-five of the Political Code of the State of California is hereby amended to read as follows:

Counties of  
6th class,  
salaries of  
officers

County  
clerk

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and also such compensation as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, the following deputies, clerks and assistants, to be

appointed by said county clerk, which positions are hereby created, and the salaries of which are hereby fixed as follows: One chief deputy county clerk, twenty-one hundred dollars per annum; two additional deputies, fifteen hundred dollars each per annum; two deputies to act as index clerks, twelve hundred dollars each per annum; two deputies to act as stenographers, twelve hundred dollars each per annum; three deputies to act as copyists, twelve hundred dollars each per annum; three court room clerks, one thousand five hundred dollars each per annum; one deputy who shall be the registrar of voters, two thousand four hundred dollars per annum; one deputy who shall be the assistant registrar of voters, fifteen hundred dollars per annum; and a deputy or deputies not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of February and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by such deputy; *provided, further*, that whenever a municipal, special state, or special county election, is held, the county clerk, in counties of this class, shall be, and he is hereby allowed the following additional help: five clerks for a period of, and not exceeding, sixty days, preceding such elections, whose salaries shall not exceed four dollars per diem each. The salaries and compensations of each of said deputies, clerks and assistants to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

2 The sheriff shall receive three thousand six hundred dol-<sup>Sheriff.</sup>lars per annum salary; the sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of said county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one-half cents per meal each for all meals furnished prisoners confined in the county jail. That in counties of this class there shall be and there is hereby allowed to the sheriff the following deputies, jailers and bailiffs, to be appointed by the said sheriff, which positions are hereby created and the salaries of which are hereby fixed as follows:

One deputy who shall act as under-sheriff at a salary of twenty-one hundred dollars per annum; three deputies who shall act as jailers at a salary of thirteen hundred and twenty dollars per annum each; three deputies who shall act as criminal deputies at a salary of fifteen hundred dollars per annum each and three deputies who shall act as bailiffs at a salary of thirteen hundred and twenty dollars per annum each.

One matron to attend female prisoners at a salary of ninety dollars (\$90 00) per month; one engineer or fireman to attend to the heating apparatus of the county jail at a salary of ninety dollars (\$90 00) per month.

All deputies herein mentioned shall be paid at the same time and manner that their principal is paid.

Recorder.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies, clerks and copyists, who shall be appointed by such recorder and shall be paid salaries and compensations as follows: One chief deputy, at a salary of two thousand one hundred dollars per annum; one comparing clerk at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of fifteen hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed four, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, at a salary of twelve hundred dollars each per annum. The salaries and compensations of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed, to the auditor, which said positions are hereby created, the following deputies who shall be appointed by the auditor of such county, and shall be paid salaries and compensation as follows: One chief deputy at a salary of twenty-one hundred dollars per annum; one redemption and index deputy at a salary of eighteen hundred dollars per annum; one warrant deputy at a salary of eighteen hundred dollars per annum, and such additional assistants as the auditor may require and whose compensation shall not exceed nine hundred dollars per annum in the aggregate for all assistance so rendered; *provided*, that a verified statement showing in detail the amounts paid and the persons to whom and the purpose for which such compensation has been paid for such additional assistants, as aforesaid, shall be filed with the county clerk, and the auditor shall certify thereon to the correctness of said claim. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the following deputies and watchman, to be

appointed by said treasurer, which positions are hereby created. One chief deputy at a salary of twenty-one hundred dollars per annum; one deputy to act as a warrant clerk at a salary of eighteen hundred dollars per annum; one watchman at a salary of twelve hundred dollars per annum. The salary of each said deputies and watchman to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials. It is hereby further provided that in counties of this class the treasurer shall receive the commission heretofore or hereafter allowed by law.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, the following deputies, bookkeepers and assistants to be appointed by said tax collector, which positions are hereby created. One chief deputy at a salary of eighteen hundred dollars per annum; one office deputy at a salary of fifteen hundred dollars per annum and one bookkeeper at a salary of fifteen hundred dollars per annum; and one deputy, which office is hereby created, who shall be correspondence and mail clerk at a salary of twelve hundred dollars per annum; *provided, further*, that the tax collector shall have two additional deputy tax collectors to serve as such for a period of six months in each year and who shall receive a salary of one hundred dollars per month, also three additional deputy tax collectors to serve as such for a period of three months in each year and who shall receive a salary of one hundred dollars each per month, also one additional deputy tax collector to serve as cashier for two months in each year and who shall receive a salary of one hundred dollars each per month, all of which shall be paid by the county. The salaries of all deputies, assistants, and bookkeepers herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the tax collector is paid.

7. The license collector, one thousand eight hundred dollars per annum. Said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and he shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of which are hereby fixed as follows: One assistant county assessor at twenty-one hundred dollars per annum, one chief deputy assessor, eighteen hundred dollars per annum; one office deputy assessor, fifteen hundred dollars per annum; one city real estate valuation deputy, fifteen hundred dollars per annum; one country real estate

valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred and twenty-five dollars per month; one mortgage and transfer assistant assessor, twelve hundred dollars per annum; one field deputy assessor, for not exceeding six months in any one year, at a salary of one hundred and twenty-five dollars per month; one head country field deputy, for not exceeding four months in any one year, at a salary of one hundred and fifty dollars per month, one head city field deputy, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars per month; six field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; ten field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars per month each; two clerks, for not exceeding two months in any one year, at a salary of one hundred dollars each per month. The salaries of the assistant county assessor, chief deputy assessor, office deputy assessor, city real estate valuation deputy, country real estate valuation deputy, head country field deputy, head city field deputy, clerks, mortgage and transfer assistant assessor, and field deputy assessors herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same fund as the county assessor is paid. It is hereby *further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

District  
attorney

9. The district attorney, five thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby created and allowed to the district attorney, the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of thirty-six hundred dollars per annum: one chief deputy district attorney, whose salary is hereby fixed at the sum of twenty-seven hundred dollars per annum: two deputy district attorneys, whose salaries are hereby fixed at the sum of twenty-one hundred dollars each per annum, whose duties it shall be, in addition to performing services as deputy district attorneys, to attend preliminary examinations held in all police and justice courts in the county and conduct on behalf of the people all prosecutions for felonies at such preliminary examinations, and, also, to attend and appear before the juvenile court of said county and prosecute proceedings therein: one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum: one county detective, who shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; *provided, further*, that

in addition to the salary herein fixed for said county detective he shall be allowed and paid the actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors, a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions. The coroner in counties of this class shall be and he is hereby allowed the following assistants, namely, one deputy and one stenographer, which offices are hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of twelve hundred dollars per annum: the salary of said stenographer shall be fifteen hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salaries of said deputy and stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid. The said deputy coroner and the said stenographer shall each be appointed by the coroner.

Coroner

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Public administrator

12. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of the county, not exceeding five hundred dollars per annum, and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as

Superintendent of schools

compensation the sum of two thousand one hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section seventeen hundred and seventy of this code.

Surveyor

13 The surveyor, two thousand four hundred dollars per annum and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class whenever the board of supervisors shall order or the assessor may require assessor's map or block books, then the surveyor shall receive, in addition to the salary above noted, the sum of fifteen hundred dollars additional expenses required for the preparation and completion of said maps or block books.

Justices of  
the peace

14 In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of 25,000 or more, justices of the peace shall each receive a salary of three hundred (\$300) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(2) In townships having a population of 5,000 and less than 25,000, justices of the peace shall receive the sum of one hundred and forty (\$140) dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(3) In townships having a population of 3,000 and less than 5,000, justices of the peace shall each receive the sum of one hundred and twenty-five (\$125) dollars as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein the justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(4) In townships having a population of 2,000 and less than 3,000, justices of the peace shall each receive the sum of one hundred (\$100) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(5) In townships having a population of 900 and less than 2,000, justices of the peace shall each receive the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(6) In townships having a population of less than 900, justices of the peace shall each receive the sum of fifty (\$50) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, however*, that justices of the peace in townships contiguous to municipalities containing 25,000 or more inhabitants or in which a penal institution is located shall be allowed a salary of one hundred and forty (\$140) dollars a month each as full compensation for all services rendered by them in both criminal and civil cases and in all cases wherein the justices of the peace perform the duties of coroner, and all fees chargeable and collectible by said justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. The population referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace shall be the population found and determined by the federal census taken in the year 1910; *provided*, that if the township census be taken after the taking of the federal census under the provision of section 4055, then

said census shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township.

Constables

15. Constables, in townships having a population of between nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred and twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided, further*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, further*, that constables, in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a state penal institution is not located, shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

Supervisors.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

Jurors

18. For attending as a juror in the superior court, for each day's attendance, per diem three dollars. For each mile actually traveled in attending court as juror, in going only, per mile, twenty-five cents.

County analyst

19. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such service as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

20. In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such townships an office, to be occupied by such justice and constables jointly. Office furnished

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 581.

*An act to amend section four thousand two hundred sixty-six of the Political Code, relating to salaries and fees of officers and fees and mileage of jurors in counties of the thirty-seventh class.*

[Approved May 29, 1915. In effect—see section 2.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred sixty-six of the Political Code, is hereby amended to read as follows:

4266. In counties of the thirty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit: Counties of 37th class, salaries of officers

1. The county clerk, twenty-three hundred dollars per annum; in counties of this class the county clerk may appoint a deputy, which office of deputy county clerk is hereby created, and said deputy shall receive as compensation for his services the sum of twelve hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. County clerk

2. The sheriff, forty-eight hundred dollars per annum, and all mileage now allowed by law. Sheriff

3. The recorder, twenty-two hundred dollars per annum; *provided*, that in counties of this class, the recorder shall be allowed to appoint two deputies, one of which shall be allowed a salary of nine hundred dollars per annum and one a salary of six hundred dollars per annum, and the offices of said deputy recorders are hereby created. Recorder

4. The auditor, twenty-four hundred dollars per annum. Auditor.

5. The treasurer, twenty-five hundred dollars per annum. Treasurer

6. The tax collector, two thousand four hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, the following deputies and clerks to be appointed by said tax collector, which offices are hereby created: One deputy at a salary of one hundred dollars per month; *provided*, said deputy shall not be employed for more than six months during any one year, and one clerk at a salary of seventy-five dollars Tax collector.

per month. *provided*, said clerk shall not be employed for more than five months during any one year. The salaries of all deputies and clerks herein provided shall be paid by the county in equal monthly installments at the same time and in the same manner as other county officers are paid.

Assessor

7 The assessor, thirty-six hundred dollars per annum; *provided*, that the assessor shall be entitled to receive and retain for his own use four per cent only on personal property tax collected by him as authorized by section thirty-eight hundred and twenty of the Political Code; *and provided, further*, that the assessor shall be allowed to appoint two deputies, one of which shall be allowed a salary of one hundred fifty dollars per month; *provided*, said deputy shall not be employed for more than five months during any one year, and one deputy at a salary of one hundred dollars per month; *provided*, said deputy shall not be employed for more than four months, during any one year. The salaries of all deputies herein provided shall be paid by the said county in equal monthly installments at the same time and in the same manner as county officers are paid. The assessor shall also be allowed for himself and deputies the sum of three hundred dollars per annum and no more, for traveling expenses while on official business connected with the duties of his office within his county. All claims for traveling expenses incurred by the assessor or his deputies while in the performance of their official duties within the county shall be paid out of the general fund of said county on duly verified claims, filed with the boards of supervisors at the same time and in the same manner as other county claims.

District  
attorney

8 The district attorney, twenty-four hundred dollars per annum, and there is hereby created a new office to be known as stenographer to the district attorney, who shall receive a salary of six hundred dollars per annum, payable monthly at the same time and in the same manner as the salaries of the county officials are paid.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public  
adminis-  
trator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-  
tendent of  
schools

11. The superintendent of schools, two thousand dollars per annum and actual traveling expenses, when visiting the schools of his county. The superintendent shall be allowed one deputy, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officials.

Surveyor

12 The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to

plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, or tax collector, he shall be allowed only the actual cost of preparing same.

13. Justices of the peace shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having population of more than four thousand, fifty dollars per month; in townships having population less than four thousand and more than twelve hundred, forty dollars per month; in townships having population of less than twelve hundred and more than eight hundred, thirty dollars per month; in townships having population of less than eight hundred, twenty dollars per month, and in all civil cases such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries to be paid each month and in same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand fifty dollars per month; in townships having population of less than four thousand and more than twelve hundred, forty dollars per month; in townships having a population of less than twelve hundred and more than eight hundred, thirty dollars per month; in townships having a population of less than eight hundred, twenty dollars per month; and in civil cases such fees as are now or may be hereafter allowed by law. Constables shall also be allowed by the board of supervisors in criminal cases only, necessary traveling expenses, and necessary expense of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisors and road commissioners; and there shall be allowed to each supervisor necessary traveling expenses when strictly on county business without the county.

16 For the purpose of subdivisions 13 and 14, of this section the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the registered vote in each township on the first day of June, 1913.

17. The fees of grand jurors and trial jurors in the superior court of said counties of the thirty-seventh class, shall be three dollars per day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which the juror was in attendance, and the treasurer of said county shall pay such warrants.

18. All salaries provided for, in this article shall be paid out of the treasury of the county, in monthly installments.

In effect  
when.

SEC. 2. As to subdivisions 1, 3, 6, and 7, this act shall take effect ninety days after the adjournment of the legislature as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated.

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### CHAPTER 582.

*An act to add a new section to the Political Code to be numbered forty-two hundred forty-five a, providing for the compensation of grand jurors and trial jurors in counties of the sixteenth class.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be numbered forty-two hundred forty-five a and to read as follows:

Counties of  
16th class,  
jurors' fees

4245a. The fees of grand jurors and of trial jurors, in counties of the sixteenth class, shall be three dollars per day and mileage for each attendance at the rate of seven cents for each mile actually traveled.

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### CHAPTER 583.

*An act to amend section four thousand two hundred seventy-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-ninth class.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Counties of  
49th class,  
salaries of  
officers.

SECTION 1. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County  
clerk

1. The county clerk, eighteen hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the

sum of ten cents per name for each affidavit legally taken for registration: said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

2. The sheriff shall receive twenty-five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month, which shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. Sheriff

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid. Recorder

4. The auditor, six hundred dollars per annum. Auditor

5. The treasurer, fifteen hundred dollars per annum. Treasurer

6. The tax collector, twelve hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be appointed by the tax collector and paid the salary of seventy-five dollars per month for said above-named months, said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid. Tax collector

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, to be appointed by him, who shall receive the salary of one hundred twenty-five dollars per month each, from the first day of March to July first of each year, said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. Assessor.

8. The district attorney, eighteen hundred dollars per annum. District attorney

9. The coroner, such fees as are now or may hereafter be allowed by law Coroner

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, fifteen hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid. Superintendent of schools.

Surveyor. 12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of the peace 13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables. 14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of one thousand or more, twenty dollars per month; (2) In townships having a population of less than one thousand, ten dollars per month. *Provided, further,* that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

Supervisors. 15. Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services.

Official reporter. 16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the

trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

17. For attending as a grand juror or as a trial juror in the <sup>Jurors.</sup> superior court, in criminal cases, four dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

CHAPTER 584.

*An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects: and to provide for the assessment, levy, collection and disbursement of taxes therein.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Mosquito abatement districts may be organized and incorporated and managed as herein expressly provided, and may exercise the powers herein expressly granted or necessarily implied. <sup>Mosquito abatement districts</sup>

SEC 2. Any county, or city and county, or portion of a county, or city and county, whether such portion includes incorporated territory or not, in the State of California, having a population of not less than one hundred inhabitants, may be created a mosquito abatement district under the provisions of this act by proceeding as herein provided.

SEC 3. A petition, which may consist of any number of <sup>Petition</sup> separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed mosquito abatement district is located, signed by the registered voters within the boundaries of the proposed district, equal in number, to at least ten per cent of the number of votes cast in said proposed district for the office of governor of this state at the last general election prior to the presenting of the petition; *provided*, that where one or more municipal corporations or part thereof is included in such proposed mosquito abatement district, such petition must be

signed by at least ten per centum of the qualified electors of such municipal corporations or part thereof and of the unincorporated territory included in such proposed district, and in addition thereto the common council, board of trustees or other governing body of each such municipality shall by resolution, duly authenticated, request the inclusion of such incorporated territory in such district. Such petition shall set forth and describe the proposed boundaries of such district, and shall pray that the same be created under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in a newspaper printed and published in such county, and also a newspaper printed and published in each municipal corporation or part thereof included in such proposed district, and if there be no newspaper published in any such municipal corporation, the text of such petition shall be posted for the same length of time as required to be published, in three public places within such municipal corporation or part thereof included in such proposed district, and the text of such petition so published or posted shall have annexed thereto a notice stating the time of the meeting of the board of supervisors at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published and posted. No more than five of the names attached to said petition need appear in such publication or posting of said petition and notice, but the number of signers shall be stated.

With such publication there shall also be published, and if posted, there shall also be posted, a notice of the time of the meeting of the board when such petition will be considered, and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon, and also all protests and objections to the same, and may adjourn such hearing from time to time, not exceeding two months in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries; *provided*, that if said board deems it proper to include therein any territory not included within the said proposed boundaries, they shall first cause notice of their intention so to do, to be mailed to each owner of land within said territory proposed to be included whose name appears as such on the last completed assessment roll of the county or city and county wherein said territory lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address; or if it be not known, then at the county seat of the county in which his land lies, which said notice

Boundaries

Publication

Hearing

Establishment of boundaries.

shall describe the territory so proposed to be included, and shall fix a time, not less than two weeks from the date of mailing thereof, when all persons interested may appear before said board and be heard; *and further provided*, that the boundaries lying within a municipal corporation shall not be altered unless the municipal board of such municipal corporation shall, by resolution, assent to the alteration of such boundaries therein.

Upon such hearing of such petition the board shall determine whether or not the public necessity or welfare of the proposed territory and of the inhabitants thereof requires the formation of such district, and shall also determine whether or not said petition complies with the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. A finding in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California, upon suit commenced by the attorney general. If, from the testimony adduced before said board, it appears to said board that the public necessity or welfare requires the formation of such district, the said board shall, by an order entered on its minutes, declare such to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined, be created a mosquito abatement district, under an appropriate name to be selected by said board, which name shall contain the words "mosquito abatement district." The county clerk shall immediately cause to be filed with the secretary of state a certified copy of such order of the board of supervisors, and from and after the date of the filing of such certified copy, the district named therein shall be deemed incorporated as a mosquito abatement district, with all the rights, privileges and powers set forth in this act, and necessarily incident thereto.

SEC. 4 Within thirty days after the said filing with the secretary of state of the certificate of incorporation of said district, a governing board of trustees for said district shall be appointed. Said board shall consist of one trustee to be appointed from said district at large by said board of supervisors and of one trustee to be appointed from each municipality in said district by the governing board of such municipality; *provided*, that, if the board of trustees thereby created shall consist of less than five members, then the board of supervisors shall appoint from such district at large enough additional members to make a board of five trustees. The governing board of such district shall be called "the board of trustees of ----- mosquito abatement district." Each trustee appointed by a municipal board shall be an elector of the municipality from which he is appointed, and each appointee of the board of supervisors shall be an elector of the district. All such trustees shall hold office for the term of two years from and after the second day of the calendar

Determination of supervisors

Finding final.

Copy filed with secretary of state.

Board of trustees

Term of office.

year succeeding their appointment; *provided, however*, that the first board of trustees appointed under the provisions of this act shall, at their first meeting, so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven then that a bare majority of their number, shall go out of office at the expiration of one year and the remainder at the expiration of two years, from the second day of the calendar year succeeding their appointment.

Meetings

Compensation

Quorum.

Extermination of mosquitoes, etc.

SEC. 5. The members of the board of trustees shall meet on the first Monday subsequent to thirty days after the filing with the secretary of state of the certificate of incorporation of said district and shall organize by the election of one of their members as president and one thereof as secretary. The members of the board shall serve without compensation except that the necessary expenses of each member for actual traveling expenses on meetings or business connected with said board shall be allowed and paid. In event of the resignation, death or disability of any member, his successor shall be appointed by the board of supervisors, if such board originally made such appointment, or by the governing board of the appropriate municipality, if such appointment were originally made by the board of a municipality. The board of trustees shall provide for the time and place of holding its regular meetings, and the manner of calling the same, and shall establish rules for its proceedings. Special meetings shall be called by three trustees and notice of the holding thereof shall be given to each member at least three hours before the meeting. All of its sessions, whether regular or special, shall be open to the public and a majority of the members of the board shall constitute a quorum for the transaction of business.

SEC. 6. The board of trustees of such district shall have power to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the district, and subject to the paramount control of the municipal or other public authorities, to abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies or other insects within the district; to purchase such supplies and materials and to employ such labor as may be necessary or proper in furtherance of the objects of this act, and if necessary or proper, in the furtherance of the same, to build, construct and thereafter to repair and maintain, necessary levees, cuts, canals or channels upon any land within the district, and to acquire by purchase, condemnation or by other lawful means, in the name of the district, any necessary lands, rights of way, easements, property or material requisite or necessary for any of such purposes; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers by this act conferred or arising out of the use, taking or damage of such property for any of such purposes, and generally to do any and all things necessary or incident to the powers hereby granted and to carry out the objects specified herein.

SEC. 7. The board of trustees of each mosquito abatement district shall at least fifteen days before the first day of the month in which the board of supervisors of the county, or city and county, in which such district is situate, is required by law to levy the amount of taxes required for county, or city and county, purposes, furnish to the board of supervisors and to the county auditor, respectively, an estimate in writing of the amount of money necessary for all purposes required under the provisions of this act during the next ensuing fiscal year. The board of supervisors of such county, or city and county, shall thereafter, at the time and in the manner of levying other county, or city and county, taxes, levy upon all of the taxable property within the district and cause to be collected a tax, to be known as the "----- mosquito abatement district tax," the maximum rate of which must not be greater than sufficient to raise the amount estimated to be raised by the said board of trustees of the district, nor in any event shall such tax exceed ten cents on each one hundred dollars of taxable property in such district

Estimate of expenses

Tax levy.

Whenever it appears to the board of trustees of such district that the amount of funds required during the next ensuing fiscal year shall exceed the maximum amount which the supervisors are authorized to levy for the annual district tax, as hereinabove in this section provided, then said board of trustees may in their judgment call an election and submit to the electors of the district the question of whether a tax shall be voted for raising the necessary additional funds, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district; *provided*, that no particular form of ballot shall be required nor shall any formalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. At such election the ballots must contain the words "Shall the district vote a tax to raise the additional sum of \$-----?" The board of trustees shall canvass said votes cast at such election and if a majority of the votes cast are in favor of the imposition of said tax the board of trustees must report the same to the board of supervisors, stating the additional amount of money required to be raised. The board of supervisors shall at the time of levying the county taxes, levy an additional tax upon all of the taxable property in the district voting such additional tax sufficient to raise the amount voted.

Election on tax levy.

Ballots

All taxes levied under the provision of this section shall be computed and entered on the county assessment roll by the county auditor, and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the district.

Collection of taxes.

The funds shall be withdrawn from the county treasury upon the warrant of the board of trustees of such district signed by the president or acting president of the board, and countersigned by its secretary.

Withdrawal of funds

Annexation  
of territory.

SEC. 8. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a mosquito abatement district, may be added and annexed to such district, at any time, upon proceedings being had and taken as in this act provided. The board of trustees of such district, upon receiving a written petition therefor containing a description of the new territory sought to be annexed to such district, signed by the owners comprising more than one-half of the assessed value of such territory as shown by the last county assessment roll, must thereupon submit to the electors of the district and also to the electors residing in the territory sought to be annexed, the proposition of whether such proposed territory shall be annexed and added to such district. The proposition to be submitted to the electors at such election, both within said district and within said territory so proposed to be annexed, shall be as follows: "For annexation," or "against annexation," or words equivalent thereto. Such election must be called and held, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district, and also in a newspaper printed and published in such territory so proposed to be annexed. The board of trustees shall canvass, separately, the votes cast within said district, and the votes cast within said territory so proposed to be annexed, and if it shall appear from such canvass that a majority of all the ballots cast in such district and a majority of all the ballots cast in such territory so proposed to be annexed are in favor of annexation, the board of trustees shall certify such fact to the secretary of state describing said property proposed to be annexed and upon receipt of such last mentioned certificate, the secretary of state shall thereupon issue his certificate reciting that the territory (describing the same) has been annexed and added to the \_\_\_\_\_ mosquito abatement district (naming it), and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of the county, or city and county, in which such mosquito abatement district is situated. From and after the date of such certificate the territory named therein shall be deemed added and annexed to and form a part of said mosquito abatement district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. If the property so proposed to be annexed is included within a municipality, consent to such annexation shall first be obtained from the governing board of such municipality, and an authenticated copy of the resolution or order of such board so consenting to such annexation, shall be attached to the petition, and be made a part thereof.

Canvass of  
votes

Property in  
cities

Dissolution  
of district

SEC. 9. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by its board of trustees upon the question of dissolution, and the proposition which shall be submitted to the electors at such election shall be as follows: "Shall the district be dissolved?" Such election must be called and held; and notice thereof shall be published for at least four weeks

prior to such election in a newspaper printed and published in such district. If two-thirds of the votes at such election shall be in favor of the dissolution of the district, the board of trustees shall certify such fact to the secretary of state, and upon receipt of such last mentioned certificate, the secretary of state shall thereupon issue his certificate reciting that the mosquito abatement district (naming it) has been dissolved, and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of the county, or city and county, in which such mosquito abatement district is situated. From and after the date of such certificate the district named therein shall be deemed disincorporated, and the property of the district shall thereupon vest in the county, or city and county wherein said district is situate, if the district at the time of its dissolution comprises unincorporated territory alone, and if it comprises incorporated territory alone, or partly incorporated and partly unincorporated territory, then in such event its property shall be ratably apportioned amongst the several municipalities and the county, or city and county, in proportion to the assessed value of the property included within said district as shown upon the last county assessment roll, *provided, however*, that any real property, easements or rights of way, belonging to said district shall in such event remain the property of the municipality wherein the same is situate, if situated within incorporated territory, otherwise the same shall remain the property of the county.

Disposition of property

SEC. 10. Every notice herein required to be published may be published in a daily or weekly or semiweekly newspaper; and if there is no daily or weekly or semiweekly newspaper published within the district or within a subdivision thereof or other territory wherein the same is required to be published, then such notice shall be posted for the length of time herein required for the publication of the same in three public places of such district or such subdivision thereof or such other territory as the case may be. The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes. The word "district" shall apply, unless otherwise expressed or used, to a mosquito abatement district formed under the provisions of this act, and the word "trustees," and the words "board of trustees," shall apply to the trustees and to the board of trustees of such district.

Publication of notices

Definitions

SEC. 11. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act

## CHAPTER 585.

*An act to amend section four thousand two hundred thirty-seven of the Political Code, relating to the salaries and fees of officers in counties of the eighth class.*

[Approved May 29, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section four thousand two hundred thirty-seven of the Political Code is hereby amended to read as follows:

Counties of  
8th class.  
salaries of  
officers

4237. In counties of the eighth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as deputies or assistants the respective employees hereinafter named, to wit:

County  
clerk

1. The county clerk, two thousand seven hundred dollars per annum, and the sum of five hundred dollars for making the great register and ten cents for each person registered, and such fees as may be allowed by law for issuing hunting or fishing licenses, and there shall be, and there is hereby allowed to the county clerk in addition, one chief deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand two hundred dollars per annum and two additional deputies, who shall be paid the sum of one thousand dollars per annum each, the said salaries to be paid by such county in monthly installments at the time, and in the manner and out of the same fund as the salaries of county officers are paid

Sheriff

2. The sheriff, three thousand dollars per annum and all commission fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one chief deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy to be appointed by the sheriff who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy, who shall be appointed by the sheriff, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salary of county officers are paid.

Recorder

3. The recorder, two thousand seven hundred dollars per annum, and five cents per folio for recording, and in addition thereto there is hereby allowed to the county recorder, one deputy, to be appointed by the county recorder, who shall be paid a salary of one thousand two hundred dollars per annum, the said salaries to be paid by such county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of county officers are paid.

4. The auditor, two thousand seven hundred dollars per annum, and there shall be and there is allowed to the auditor in addition, one chief deputy to be appointed by the auditor, who shall be paid a salary of one thousand two hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month, each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Auditor

5. The treasurer, two thousand seven hundred dollars per annum, and in addition thereto, there is hereby allowed to the county treasurer, one deputy, to be appointed by the treasurer, who shall be paid one hundred dollars per month, not to exceed one month in any one year.

Treasurer

6. The tax collector, two thousand seven hundred dollars per annum and there shall be, and there is allowed to the tax collector, one chief deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand two hundred dollars per annum and such additional assistants as the tax collector may require, the compensation of which assistants, however, shall not exceed in the aggregate the sum of nine hundred dollars per annum, said salaries to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of county officers are paid; *provided, however*, that in counties of this class the tax collector shall receive no fees or commissions for the collection of licenses.

Tax collector

7. The assessor, five thousand five hundred dollars per annum and the percentage allowed by law for the collection of poll taxes; and there shall be, and there is allowed to the assessor in addition one chief deputy, to be appointed by the assessor, who shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of the county officers are paid; *provided, however*, that the percentage received by the assessor on personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in other counties of other classes, is allowed to the assessor as compensation shall be paid by him into the county treasury and no part thereof shall be received by him as compensation.

Assessor.

8. The district attorney, three thousand dollars per annum and there shall be, and there is allowed to the district attorney in addition, one chief deputy, to be appointed by the district attorney, who shall be paid a salary of one thousand five hundred dollars per annum, and also one additional deputy, to be appointed by the district attorney, who shall be paid a salary of one thousand two hundred dollars per annum, each of whom shall be an attorney-at-law regularly admitted to practice

District attorney

before the courts of the State of California, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public  
adminis-  
trator

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, for full services including attendance on the county board of education, two thousand seven hundred dollars per annum, and his actual traveling expenses necessarily incurred in the performance of his duty, and there shall be, and there is allowed to the superintendent of schools in addition, one deputy, to be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of superintendent of schools shall be kept open on all business days from nine o'clock a.m., to five o'clock p.m.

Board of  
education

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as the other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Surveyor.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses incurred in the field in performing county work, ordered by the board of supervisors, and there shall be and there is allowed to the surveyor in addition, one chief deputy, who shall be a competent draughtsman, to be appointed by the surveyor, who shall be paid a salary of one thousand two hundred dollars per annum and also one draughtsman, to be appointed by the surveyor, which office is hereby created, who shall be paid a salary of one thousand two hundred dollars per annum, and also one clerk, who shall be appointed by the surveyor which office of clerk is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid

in monthly installments at the same time and in the same manner and out of the same funds as the salaries of county officers are paid.

14. Justices of the peace, the following monthly salaries to be paid each month as salaries of other county officers are paid which shall be in full for all services rendered by them in both criminal and civil cases: In townships having a population of six thousand and over, one hundred and ten dollars per month; in townships having a population of two thousand four hundred and less than six thousand, ninety dollars per month; in townships having a population of one thousand five hundred and less than two thousand four hundred, seventy dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty-five dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. And the justices of the peace of each township shall charge and collect the fees which are now or may hereafter be allowed by general law in civil cases and pay the same monthly to the county treasurer.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

16. The supervisors, the sum of one hundred and twenty-five dollars per month, each, as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars for each supervisor in any one year.

17. Grand jurors and jurors in the superior court in criminal cases shall be paid two dollars and fifty cents per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

Population  
of townships

18. The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

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CHAPTER 586.

*An act to add a new section to the Penal Code to be numbered section two hundred eighty-eight a, relating to sex perversions and defining the same to be felonies.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered two hundred eighty-eight *a* and to read as follows:

Fellatio and  
cunnilingus  
felonies.

288*a*. The acts technically known as fellatio and cunnilingus are hereby declared to be felonies and any person convicted of the commission of either thereof shall be punished by imprisonment in the state prison for not more than fifteen years.

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CHAPTER 587.

*An act to amend section four thousand two hundred forty-six of the Political Code, relating to salaries and fees of officers in counties of the seventeenth class.*

[Approved June 1, 1915. In effect—see section 2.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred forty-six of the Political Code is hereby amended to read as follows:

Counties of  
17th class,  
salaries of  
officers

4246. In counties of the seventeenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

county  
clerk

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One deputy clerk, at a salary of fifteen hundred dollars per annum; one deputy clerk, at a salary of twelve hundred dollars per annum; and one deputy clerk at a salary of one thousand dollars per annum. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk.

There shall be and hereby is allowed to the county clerk for the making of a complete registration of voters and of revising the same from time to time, as required by law such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed seven hundred and fifty dollars in any one year, and he shall also receive an additional sum of seven and one-half cents per name for each affidavit for registration taken outside of the office by deputy registration clerks, claims for the services of such additional clerks and assistants and for registrations outside of his office shall be presented to and allowed by the board of supervisors as other claims against the county are presented and allowed.

2 The sheriff, four thousand dollars per annum; *provided*, Sheriff that in counties of this class there shall be and hereby is allowed to the sheriff two deputies, whose offices are hereby created and who shall be appointed by the sheriff; one at a salary of one hundred dollars per month, and one at a salary of sixty-five dollars per month. The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal, including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage shall be turned over to the county and become the property of the county.

3. The recorder, twenty-eight hundred dollars per annum; Recorder. *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of ninety dollars per month, and one deputy at a salary of seventy-five dollars per month, said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid.

4. The auditor, twenty-five hundred dollars per annum; Auditor *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy, who shall be appointed by the auditor and paid a salary of one hundred dollars per month, said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid. *provided, also*, that in counties of this class there shall be and hereby is allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed five hundred dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

5 The treasurer, one thousand five hundred dollars per annum. Treasurer

Tax  
collector.

6 The tax collector, twenty-five hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of twelve hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid: *also provided*, that the said tax collector shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of two hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid. All commissions and fees of whatever character of the tax collector shall be paid into the county treasury.

Assessor

7. The assessor, twenty-five hundred dollars per annum, which shall be in full compensation for all services rendered, by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two office deputies, one for a period of seven months during each fiscal year, who shall be appointed by said assessor and be paid a salary of ninety dollars per month; and one for a period of seven months during each fiscal year, who shall be appointed by said assessor and be paid a salary of seventy-five dollars per month; *provided, also*, that in counties of this class there shall be and is hereby allowed to the assessor the following field deputies: Two for a period of four months each during each fiscal year, who shall be appointed by the assessor and be paid a salary of one hundred and fifty dollars per month each; two for a period of four months each during each fiscal year, who shall be appointed by the assessor and be paid a salary of one hundred and twenty-five dollars per month each, and one for a period of four months during each fiscal year, who shall be appointed by the assessor and be paid a salary of sixty dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of two hundred fifty dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; *and provided, further*, that the assessor shall be allowed his actual traveling expenses including the expense of operating and maintaining an automobile, when engaged in attending to official business not exceeding the sum of two hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are allowed and paid, but if the county shall provide and maintain an automobile for the use of the assessor's office no transportation expenses shall be allowed

the assessor or his deputies when traveling in the county. All commissions on personal property tax collections and any other commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies, who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy at a salary of seventy-five dollars per month; and two deputies at a salary of fifty dollars per month each, said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid.

District  
attorney

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Public  
adminis-  
trator.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his or her county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid.

Superin-  
tendent of  
schools

12. The county surveyor, for all services required of him as county surveyor and also for all services which may be required of him as a road engineer, shall receive twenty-five hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in the field while engaged on public work, and he is hereby required to devote all his time to the county work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of ninety dollars per month, to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; *provided, further*, that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor without charge or extra compensation therefor.

Surveyor

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases: In townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy-five dollars per

Justices of  
the peace

month; in townships having a population of two thousand and not over thirty-five hundred, fifty dollars per month; in townships under two thousand population, twenty-five dollars per month; *provided*, that in townships where there have been no justices of the peace appointed or elected for two years preceding, justices of the peace shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Constables

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, seventy-five dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy dollars per month; in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships having a population of under two thousand, twenty-five dollars per month; *provided*, that in townships where there have been no constables appointed or elected for two years preceding, constables shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Supervisors.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, fifteen hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration, and no traveling expenses shall be allowed.

SEC. 2. This act does not operate to increase the compensation of any of the officers named, except the officers named in subdivisions 12 and 15; and, except as to officers named in subdivisions 12 and 15, this act shall apply to the present incumbents.

CHAPTER 588.

*An act to add a new section to the Penal Code to be known as section six hundred fifty-four b, relating to the protection of the purchasers of real estate against fraud and deception.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be known as section six hundred and fifty-four b to read as follows:

654b. Any person, firm, corporation or association, or any employee or agent thereof, who in a newspaper, circular, circular or form letter or other publication published or circulated in any language in this state, makes or disseminates any statement or assertion of fact, concerning the extent, location, ownership, title or other characteristic, quality or attribute of any real estate located in this state or elsewhere, which is known to him to be untrue and which is made or disseminated with the intention of misleading, is guilty of a misdemeanor; *provided, however,* that nothing in this section shall be construed to hold the publisher of any newspaper, or any job printer, liable for any publication herein referred to unless such publisher or printer has an interest either as owner or agent, in such real estate so advertised.

False advertisements concerning real estate a misdemeanor.

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CHAPTER 589.

*An act to amend an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee districts, swamp land districts, and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500, providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30th, 1913, in effect August 10, 1913, conferring powers and duties upon the trustees of said district and relating to the management and control thereof.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act creating a reclamation district to be called and known as Reclamation

District No. 1500, providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500, providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30th, 1913, in effect August 10th, 1913, is hereby amended so as to read as follows:

**Management vested in trustees.**      **Sec. 2** The management and control of said Reclamation District No. 1500 is hereby made subject to the provisions of article 1 of chapter 1 of title VIII of part III of the Political Code of the State of California relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto, except as otherwise provided in this act, the management and control of said Reclamation District No. 1500 shall be vested in five trustees, who shall hold office until their successors are elected or appointed and qualified. F. W. Kiesel, Edward H. Gerber, Charles F. Silva, P. J. Hiatt and A. T. Spencer are hereby appointed trustees for the said reclamation district to act until their successors are elected or appointed and qualified. An election of five trustees shall be held in said district on the third Tuesday in October, 1919, and on the third Tuesday in October every four years thereafter, and shall hold office until their successors are elected or appointed and qualified. In case of any vacancy in the office of trustee of said district, the governor of this state shall appoint a qualified person as trustee, who shall hold said office until the next election. All the trustees, whether appointed by the governor of this state, or named herein, or elected as herein provided, shall hold office at the pleasure of the governor of this state. The office and principal place of business of said district shall be in the city of Sacramento and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act. All funds of said district shall be deposited in the county treasury of said county of Sutter and shall be disbursed by the treasurer of said county in payment of the warrants of said district. Said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers, which are now, or may hereafter be, conferred by the provisions of the Political Code, or by other laws of the State of California upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way within the boundaries of said district, or outside thereof, as may be necessary or desirable to carry out the purposes of said district or to acquire the same by condemnation proceedings.

**Election.**

**Term of office.**

**Funds.**

**Rights and powers.**

in the manner provided by law, and shall also have the right and power to join with other reclamation districts, levee districts or swamp land districts or other persons in the construction and maintenance of levees and reclamation works, and to contract for the same, and also to do all other acts and things that may be incident to or necessary to the reclamation of the lands of said district, as the board of trustees thereof may determine. All of the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act, and shall be deemed to be incorporated herein. The said reclamation district hereby created shall have the power, in addition to the power hereby conferred, to do all other acts or things that any reclamation district or swamp land district within the State of California has power to do under any existing law or any law hereafter enacted. The said district may at any time petition in writing by its board of trustees the reclamation board to change the line of location or construction of any levee in this act, or in the act of which this is amendatory, described, or any other levee, or to build any additional or supplemental levee or levees, and the reclamation board may, by an order, allow such petition in whole or in part, and allow such change or the building of any additional or supplemental levee.

SEC. 3. All acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed.

CHAPTER 590.

*An act to amend section forty-two hundred forty-three of the Political Code, relating to the compensation of officers of counties of the fourteenth class.*

[Approved June 1, 1915. In effect—see sections 1, 2, 3, 5, 7, 8.]

*The people of the State of California do enact as follows:*

SECTION 1. Section forty-two hundred forty-three of the Political Code of the State of California is hereby amended to read as follows:

4243. In counties of the fourteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section forty-two hundred and ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said departments, and shall each receive a salary of one hundred and fifteen dollars per month, which shall be paid by said county in

Counties of  
14th class,  
salaries of  
officers.

County  
clerk

monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed to said county clerk one office deputy, which office is hereby created. Said deputy shall be appointed by said county clerk and receive a salary of seventy-five dollars per month, which shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created, and whose compensation shall not exceed the sum of six hundred dollars in the aggregate for all assistants so employed. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph are to apply to the present incumbent.

Sheriff

2. The sheriff, twenty-five hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff four deputies, whose offices are hereby created, at a salary of one thousand dollars per annum each, and who shall be appointed by the sheriff; one of said deputies shall be jailer; two of said deputies shall act as bailiffs of the superior court of said county, one for each department thereof, as provided by section forty-two hundred and ninety of the Political Code of the State of California; and there shall be and hereby is allowed to said sheriff an additional deputy, which office is hereby created, who shall be an office deputy, at a salary of seven hundred and twenty dollars per year, and who shall be appointed by the sheriff. The salaries of all of said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions except as hereinbefore in this paragraph mentioned shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

Recorder

3. The recorder, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder five deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of one thousand dollars per annum; two deputies at a salary of nine hundred dollars each per annum, and two deputies at a salary of seven hundred and twenty dollars per annum. The salaries of said

deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

4. The auditor, two thousand dollars per annum. In Auditor. counties of this class the auditor may appoint assistant auditors, which offices are hereby created, and whose compensation shall not exceed the sum of sixteen hundred dollars per annum in the aggregate for all assistants so employed; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such assistance as aforesaid. The salaries of assistant auditors herein provided for shall be paid by the said county, at the same time and in the same manner and out of the same funds as the salary of the auditor is paid.

5. The treasurer, fifteen hundred dollars per annum; *pro-* Treasurer *vided*, that in counties of this class, there shall be and there hereby is allowed to the treasurer one office deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the treasurer. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided*, that on and after January 1st, 1915, the treasurer shall receive two thousand dollars per annum.

6. The tax collector, two thousand dollars per annum; *pro-* Tax collector *vided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, whose offices are hereby created, and who shall be appointed by the tax collector: One chief deputy, for a period not to exceed nine months in any one year, at a salary of seventy-five dollars per month, and such assistants as the tax collector may appoint; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of two thousand two hundred dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid

7. The assessor, three thousand dollars per annum; *pro-* Assessor *vided*, that in counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor. One deputy who shall be chief office deputy at a salary of one

hundred and fifteen dollars per month; one office deputy at a salary of seventy-five dollars per month, and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed five thousand dollars in any one year; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as county officers are paid. All fees and commissions including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

District  
attorney

8 The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, two deputies, to be appointed by the district attorney, and who shall be regularly admitted to practice before the courts of the State of California. Each of said deputies shall receive a salary of fifteen hundred dollars per annum, which salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney a stenographer to be appointed by the district attorney, at a salary of seventy-five dollars per month, which said salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. All the provisions of this paragraph are to apply to the present incumbent.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public ad-  
ministrator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-  
tendent of  
schools

11. The superintendent of schools, twenty-two hundred and fifty dollars per annum and actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of sixty-five dollars per month, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12 The surveyor, eight dollars per day when actually employed by the county.

Justices of  
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

(1) In townships having a population of fifteen thousand or over, one hundred dollars per month; (2) in townships having a population of less than fifteen thousand and not less than ten thousand, seventy-five dollars per month, (3) in townships having a population of less than ten thousand and not less than five thousand, fifty dollars per month; (4) in townships having a population of less than five thousand and not less than two thousand five hundred, forty dollars per month; (5) in townships having a population of less than two thousand five hundred, twenty-five dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following monthly salaries Constables. to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of fifteen thousand or over, seventy-five dollars per month, (2) in townships having a population of less than fifteen thousand and not less than ten thousand, sixty dollars per month; (3) in townships having a population of less than ten thousand and not less than five thousand, fifty dollars per month; (4) in townships having a population of less than five thousand and not less than two thousand five hundred, twenty-five dollars per month; (5) in townships having a population of less than two thousand five hundred, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Supervisors, five hundred dollars each per annum, Supervisors and milage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed six hundred dollars per annum in the aggregate.

16. A live stock inspector, nine hundred dollars per annum, Live Stock Inspector which shall be in full payment for all services rendered by said inspector.

17. For the purposes of subdivisions thirteen and fourteen Population of township of this section, the population of the several judicial townships shall be determined by the United States census taken in 1910; *provided*, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

Jurors.

18. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of two dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance per day the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitutionality

19. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The legislature hereby declares that it would have passed this section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional.

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## CHAPTER 591.

*An act to create a reclamation district to be called "reclamation district number sixteen hundred and sixty," and providing for the control and management thereof.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Reclamation district No 1060 created.

SECTION 1. A reclamation district is hereby created, to be called "reclamation district number sixteen hundred and sixty," and the boundaries of such reclamation district shall be as follows:

Boundaries.

"Beginning at a point on the left or easterly bank of the Sacramento river, where the same is intersected by the section line common to sections 26 and 35, township 14 north, range 1 east, Mount Diablo base and meridian, and running thence, from the said point of beginning, along the section line common to sections 26 and 35, 25 and 36, east 3,500 feet, more or less, to the quarter section corner common to said sections 25 and 36, township 14 north, range 1 east; thence north 360 feet; thence east, along a line, parallel to and distant 360 feet north from the section line common to sections 25 and 36, east 2,640 feet, to the section line common to sections 25 and 30, township 14 north, ranges 1 and 2 east; thence, along a line, parallel to and distant 360 feet north from the section lines common to sections 30 and 31, 29 and 32 and 33, 27 and 34, east 17,205.9

feet, more or less, to a point which bears north  $83^{\circ} 58\frac{1}{2}'$  west Boundaries 3,785.7 feet from the corner common to sections 26, 27, 34, 35, township 14 north, range 2 east, Mount Diablo meridian; thence north  $12^{\circ} 08'$  west 2,122.27 feet; thence north  $18^{\circ} 03'$  west; at 19,881.6 feet, to a point which is 229.8 feet east from the corner common to sections 4, 5, 8 and 9 of township 14 north, range 2 east; continuing the said last named course, a total distance of 23,292.77 feet to an iron pipe designated as station 232+72 $\frac{1}{10}$ ; thence north  $21^{\circ} 11'$  west 5,015 $\frac{6}{10}$  feet, more or less, to the center of section 32, township 15 north, range 2 east, Mount Diablo meridian; thence north  $45^{\circ}$  west, 7,467 feet, more or less, to the center of section 30, township 15 north, range 2 east, Mount Diablo meridian; thence west  $\frac{1}{2}$  mile; thence north  $\frac{1}{2}$  mile to the corner common to sections 24 and 25, township 15 north, range 1 east, and to sections 19 and 30, township 15 north, range 2 east, Mount Diablo meridian; thence north  $\frac{1}{2}$  mile; thence west 1 mile to the quarter section corner common to sections 23 and 24, township 15 north, range 1 east, Mount Diablo meridian; thence north  $\frac{1}{2}$  mile; thence west 4,400 feet, more or less, to the eastern boundary line of reclamation district No. 70; thence, along the eastern boundary line of reclamation district No. 70, in a general southeasterly direction, to the quarter section corner common to sections 35 and 36 of township 15 north, range 1 east, Mount Diablo meridian; thence along the section line common to sections 35 and 36, township 15 north, range 1 east; and along the section lines common to sections 1 and 2, 11 and 12, 13 and 14, south 3 miles, to the quarter section corner common to sections 13 and 14, township 14 north, range 1 east, Mount Diablo meridian; thence along the quarter section line through said section 14, west 1 mile, more or less, to the left or easterly bank of the Sacramento river as herein aforesaid; thence along the said left or easterly bank of the Sacramento river, following its meanderings down stream, in a general southeasterly direction to the place of beginning."

SEC 2. The management and control of said reclamation Management and control district is hereby made subject to the provisions of the Political Code and other laws of the State of California relative to reclamation districts formed under the provisions of said Political Code. The management and control of said reclamation district No. 1660 shall be vested in three trustees, who shall be, within thirty days after this act takes effect, appointed by the governor of this state to act until their successors are elected and qualified. An election of three trustees shall be held in said district on the third Tuesday in October, 1919, and on the same date every four years thereafter. In case of any vacancy in the office of trustees of said district, the governor of this state shall appoint a qualified person as trustee, who shall hold said office until the next election. All the trustees, whether appointed by the governor of this state or elected as herein provided, shall hold office at his pleasure. The office of said district shall be in the city of Sacramento

and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the Political Code of the State of California. All funds of said district shall be deposited in the county treasury of the county of Sutter and shall be disbursed by the treasurer of said county in payment of the warrants of said district.

Benefits

SEC. 3. No lands within the boundaries of said district shall be assessed, unless said lands are actually benefited by the expenditure of the sums for which said assessment is levied.

Districts discontinued

SEC. 4. Any and all reclamation, drainage or levee districts, or parts thereof, that lie within the above described boundaries are hereby annulled and discontinued as to such portions of such districts as shall lie within said boundaries.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

## CHAPTER 592.

*An act to amend section four thousand two hundred fifty-two of the Political Code of the State of California, relating to salaries and compensation of the county and township officers of counties of the twenty-third class.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred fifty-two of the Political Code is hereby amended to read as follows:

Counties of 23d class, salaries of officers.

4252. In counties of the twenty-third class, the county and township officers shall receive as compensation for services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk

1. The county clerk, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and further provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and further provided*, that in any year that the compilation of a great register is required by law to be made he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register. The county clerk shall also receive and retain for his own use and benefit, fees and commissions which now are, or which may hereafter be allowed by law.

2. The sheriff, three thousand five hundred dollars per annum; *provided*, that he shall have the power to appoint two deputies, which offices are hereby created, one at a salary of one thousand five hundred per annum and one at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain in all civil cases for his own use and benefit, fees, commissions and mileage which now are or which may hereafter be allowed by law; and also all expenses incurred in the pursuit of criminals or transacting any criminal business. The sheriff shall also receive and retain for his own use and benefit mileage and fees for the service of process or papers issued by any court in the state.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as that of other county officers

4. The county auditor, two thousand and four hundred dollars; *provided*, that he shall have the power to appoint one (1) deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as other county officers.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as that of other county officers.

6. The tax collector, twenty-four hundred dollars per annum; *provided*, he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as that of other county officers, *and provided*, further, he shall have power to appoint one deputy, during the months of August, September, October and November, which office is hereby created, at a salary of seventy-five dollars per month, payable at the same time and in the same manner as that of other county officers

7. The assessor, four thousand two hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner as that of other county officers, and said assessor shall also receive the commissions on the amount of personal property tax as is provided in and by section four thousand two hundred ninety of the Political Code of the State of California, and five cents per name for military roll

8. The district attorney, two thousand four hundred dollars per annum, and his actual traveling expenses when prosecuting criminals within the county; *provided*, that he shall have

power to appoint two deputies which offices are hereby created, one of said deputies to receive a salary of twelve hundred dollars per annum, and the other deputy to receive a salary of nine hundred dollars per annum; the salary of each of said deputies to be payable in the same manner and at the same time as that of other county officers.

Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools. 11. The superintendent of schools, two thousand four hundred dollars per annum, and his actual traveling expenses when visiting the schools of his county; *provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of one thousand and eighty dollars per annum, payable at the same time and in the same manner, as that of other county officers, but he shall receive no extra compensation for his services on the board of education or otherwise.

Surveyor. 12. The surveyor, one thousand three hundred dollars per annum, for all work performed for the county, and in addition thereto his actual necessary traveling expenses incurred in connection with field work and cost of preparing maps, plats, tracings, etc., for the assessor when directed by him.

Justices of the peace. 13. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred and twenty-five dollars per month; *provided*, that where there is now or may be hereafter created in such township more than one justice of the peace, the monthly salary of said two justices shall each be one hundred dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, sixty-five dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, fifty-five dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, forty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty-five dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him.

Constables. 14. The constable shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters: (1) In townships having a population of five thousand or more, seventy dollars per month; (2) in townships having a population of twenty-five hundred, and less than five thousand, fifty dollars per month; (3) in townships having a population of fifteen

hundred or less than twenty-five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, thirty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty dollars per month; (6) in townships having a population of less than five hundred, twenty dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the service of process five cents per mile, and for transporting persons to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which now or may hereafter be allowed by law.

15. The supervisors, each the sum of one thousand dollars <sup>Supervisors</sup> per annum, and twenty cents per mile for all distances actually traveled, in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half, the vote cast for presidential electors in each township at the next preceding election therefor. <sup>Population of townships</sup>

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 CHAPTER 593.

*An act to amend section two hundred and ninety-six of the Civil Code, relating to the filing of articles of incorporation.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred and ninety-six of the Civil Code is hereby amended so as to read as follows, viz:

296 Upon filing the articles of incorporation in the office <sup>Secretary of state to issue certificate of incorporation</sup> of the county clerk of the county in which the principal business of the company is to be transacted, and a copy thereof certified by the county clerk with the secretary of state, and the affidavit mentioned in the last section where such affidavit is required, the secretary of state must issue to the corporation, over the great seal of the state, a certificate that a copy of the

Not to file  
copy of copy.

articles containing the required statement of facts has been filed in his office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate, and for the term of fifty years, unless it is, in the articles of incorporation, otherwise stated, or in this code otherwise specially provided; *provided, however*, that the secretary of state shall not file any copy of the copy of any articles, or issue any certificate of incorporation to any corporation, which articles set forth the corporate name of any corporation heretofore organized in this state, or file any copy of any articles, or issue any certificate of incorporation to any corporation existing at the time of filing said articles, which articles set forth a name so closely resembling the name of such corporation as will tend to deceive. The secretary of state shall issue and file in his office a duplicate of the certificate hereinabove provided for and copies thereof, duly certified by the secretary of state, shall have the same force and effect in evidence as the original.

#### CHAPTER 594.

*An act to amend section four thousand two hundred seventy-one of the Political Code, relating to salaries of officers of counties of the forty-second class.*

[Approved June 1, 1915. In effect—see section 15.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred seventy-one of the Political Code is hereby amended to read as follows:

Counties of  
42d class,  
salaries of  
officers.

4271. In counties of the forty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County  
clerk

1. The county clerk, two thousand dollars per annum; *provided*, that in each year in which a new and complete registration of voters is required by law, he shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of the registration preceding a general election, and paid from the general fund of the county; *provided, further*, that in counties of this class there shall be and is hereby allowed the county clerk a deputy county clerk who shall be appointed by the county clerk and be paid a salary of one hundred dollars per month; *and provided, further*, that in counties of this class, there shall be and is hereby allowed the county clerk, in each year in which a new and complete registration is required by law, an additional deputy county clerk who shall be appointed by the county clerk and who shall be paid a salary of sixty-five dollars per month; said salaries of said deputy county clerks to be

paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, five thousand dollars per annum and such mileage as is allowed by law for service of all papers wherever issued by any court outside this county and all mileage for service of paper in civil cases in his own county and actual expenses incurred in criminal cases. Sheriff.

3. The recorder, twenty-one hundred dollars per annum; *provided, further,* that in counties of this class there shall be and is hereby allowed to the recorder, one deputy recorder who shall be appointed by the recorder and shall be paid a sum of one hundred dollars per month; also, an additional deputy recorder who shall be appointed by the recorder and who shall be paid a salary of seventy-five dollars per month, which said sum shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid. Recorder

4. The auditor, the sum of two thousand dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed to the auditor one deputy auditor which said office is hereby created who shall be appointed by the auditor and shall be paid a salary of seventy-five dollars per month, which sum shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor. Auditor

5. The treasurer, sixteen hundred twenty dollars per annum. Treasurer

6. The tax collector, eighteen hundred dollars per annum, *provided,* that in counties of this class there shall be and there is hereby allowed to the tax collector one deputy tax collector, which said office is hereby created, for the months of October, November, March and April of each year, said deputy tax collector to be appointed by the tax collector and shall be paid the salary of seventy-five dollars per month for the months so employed, which said sum shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector. Tax collector

7. The assessor, twenty-five hundred dollars per annum. *provided,* that in counties of this class there shall be one deputy assessor who shall be appointed by the assessor and shall receive as compensation for all services performed by him the sum of one hundred dollars per month; *and provided, further,* that the assessor may also appoint four additional deputies for a period of three months during each year, which offices of deputy assessors are hereby created and such deputy assessors shall receive as compensation for all services as such deputy assessors the sum of four dollars per day each, for each day actually and necessarily employed as such said deputies, to be paid out of the county treasury in the same manner, at the same time and out of the same funds as the salaries of the other county officers are paid. Assessor.

District  
attorney.

8. The district attorney, two thousand dollars per annum, *provided*, that in lieu of a temporary deputy heretofore provided for by law, the district attorney may appoint a stenographer, whose compensation shall be sixty dollars per month, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public ad-  
ministrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-  
tendent of  
schools

11. The superintendent of schools, eighteen hundred dollars per annum: *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools a deputy who shall be appointed by the superintendent of schools and paid a salary of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

Township  
officer.

13. In counties of this class the township officers shall receive the following compensation for all services rendered by them in criminal matters of whatever kind, character or description.

14. In townships having a population of four thousand or more, justices of the peace and constables shall each receive a monthly salary of one hundred twenty-five dollars, to be paid each month in the same manner and out of the same fund as the salary of county officers are paid. In townships having a population of less than four thousand, such fees as are now or may hereafter be allowed by law. In addition to the monthly salaries allowed herein, each township officer may receive for his own use such fees as are now or may be hereafter allowed by law in civil actions.

Supervisors

15. Each member of the board of supervisors, eighteen hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty-five cents per mile while traveling from his residence to the county seat not more than once each month. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in compensation of this office, and it is intended that the same shall apply immediately to the present incumbents.

Official  
reporter

16. In counties of this class, the official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law. The compensation allowed each officer above enumerated shall be in full payment for all services performed by him.

CHAPTER 595.

*An act to amend section four thousand two hundred and forty of the Political Code, relating to the compensation of county and township officers of counties of the eleventh class.*

[Approved June 1, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and forty of the Political Code is hereby amended to read as follows:

4240 In counties of the eleventh class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties of 11th class, salaries of officers

1. The county clerk, thirty-six hundred dollars per annum, and twelve and one-half cents for each elector registered. County clerk In counties of this class the county clerk may appoint seven deputy county clerks, which offices of deputy county clerks are hereby created; two at a salary of eighteen hundred dollars per annum, three at a salary of fifteen hundred dollars per annum, and two at a salary of twelve hundred dollars per annum, to hold office at the pleasure of the county clerk. The salaries and compensation of all said deputy county clerks herein provided for, each of whom shall be a deputy county clerk, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid.

2. The sheriff, forty-eight hundred dollars per annum. Sheriff The sheriff shall also receive for his own use the fees for mileage, which are now or which may hereafter be allowed by law, and the fees and commission for the service of all papers whatsoever issued by any court of this state, outside of this county, and shall also receive the necessary expenses in all criminal cases, provided that no constructive mileage shall be allowed. In counties of this class the sheriff may appoint ten deputy sheriffs, which offices of deputy sheriffs are hereby created; one at a salary of eighteen hundred dollars per annum, three at a salary of fifteen hundred dollars per annum, one who shall be a woman at a salary of twelve hundred dollars per annum, and five at a salary of twelve hundred dollars per annum; said deputy sheriffs to hold office at the pleasure of the sheriff. The salaries of the said deputy sheriffs herein provided for, each of whom shall be a deputy sheriff, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. He shall make no charge for the boarding of prisoners over and above the actual cost of materials.

3. The recorder, four thousand dollars per annum, and said Recorder recorder may appoint one deputy recorder who shall receive

a salary of fifteen hundred dollars per annum. Said recorder may also appoint four copyists at a salary of nine hundred dollars each per annum; *provided*, that said copyists being eligible, may be appointed deputy recorders without further compensation. The county recorder may also employ such additional copyists, not to exceed two, as may be required to copy instruments filed for record within a reasonable time after the same are filed for record, and which the other copyists herein provided, are unable to copy within such time. The copying done by such additional copyists shall be paid for out of the general fund of said county at the rate of five cents per folio for the work actually and necessarily done in recording such instruments, and proper claims therefor shall be presented to and allowed by the board of supervisors. The salaries and compensation of the deputies and copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor.

4. The auditor, four thousand dollars per annum and said auditor may appoint two deputy auditors, which offices of deputy auditors are hereby created; one at a salary of eighteen hundred dollars per annum and one at a salary of fifteen hundred dollars per annum; *provided*, further, that the auditor may appoint three additional assistants, each to serve for three months in each year and each to receive as compensation three dollars per day for each day actually employed. The deputies and assistants herein provided for shall be paid at the same time and in the same manner and out of the same fund as the auditor is paid; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The treasurer, four thousand dollars per annum. In counties of this class the treasurer may appoint a deputy county treasurer, which office of deputy treasurer is hereby created at a salary of eighteen hundred dollars per annum, to hold office at the pleasure of the said treasurer. The salary and compensation of such deputy treasurer shall be paid by such county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided*, that all fees and commissions collected by him in his official capacity shall be paid into the county treasury.

Tax and  
license  
collector

6. The tax and license collector, four thousand dollars per annum. In counties of this class the tax and license collector may appoint two deputy tax and license collectors, which offices of deputy tax and license collectors are hereby created, one at a salary of fifteen hundred dollars per annum, and one

at a salary of twelve hundred dollars per annum; *provided, further,* that the tax and license collector may appoint six clerks, each to serve for a period of seven months each year, and each to receive as compensation three dollars per day for each day actually employed. The deputies and clerks herein provided for shall be paid at the same time and in the same manner and out of the same fund as the tax and license collector is paid. Said salary shall be in full for all services rendered, and all fees and commissions received by the tax and license collector or any of his clerks or deputies shall be paid into the county treasury.

7 The assessor, five thousand dollars per annum. In coun- Assessor.  
 ties of this class there shall be and there is hereby allowed to the assessor the following deputies and employees, who shall be appointed by the assessor and who shall be paid salaries as follows: One deputy assessor, who shall receive a salary of eighteen hundred dollars per annum; one deputy assessor who shall receive a salary of fifteen hundred dollars per annum; four deputies for a period not to exceed four months each year, whose per diem shall be seven dollars each when actually employed; four deputies for a period not to exceed four months each year, whose per diem shall be six dollars when actually employed; four deputies for a period not to exceed four months each year whose per diem when actually employed shall be four dollars; two copyists for a period not to exceed five months each year, whose per diem shall be two and one-half dollars when actually employed and one stenographer for a period not exceeding four months in each year, at a salary of eighty dollars per month; *provided,* that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state taxes or infirmity poll taxes or road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section nineteen hundred and one of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided,* that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

8. The district attorney, four thousand dollars per annum. District attorney.  
 In counties of this class he shall have one deputy at a salary of twenty-four hundred dollars per annum, and two deputies at a salary of fifteen hundred dollars per annum each. He shall also have two law clerks at seven hundred and fifty dollars

each per annum. He shall have for use in his office and under his supervision and control, a stenographer, which office of stenographer is hereby expressly by the terms of this act created. Said stenographer shall receive a salary of twelve hundred dollars per annum. All employees of the district attorney herein provided for shall hold office at the pleasure of the district attorney and shall be paid monthly out of the county treasury in the same manner and at the same time and out of the same fund as the salary of the district attorney is paid; *provided, further*, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county.

Coroner and  
public  
adminis-  
trator

9. The coroner and public administrator, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class, shall be and is hereby allowed one deputy at a salary of one hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy. The salary of the deputy herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner and public administrator is paid. All fees and commissions collected by him in his official capacity shall be paid into the county treasury.

Superin-  
tendent of  
schools

10. The superintendent of schools, three thousand dollars per annum, which shall include his services as a member of the board of education, and his actual traveling expenses when visiting schools. In counties of this class, the superintendent of schools may appoint three deputy superintendents of schools, which offices of deputy superintendents of school are hereby created, one at a salary of eighteen hundred dollars per annum, and two at a salary of twelve hundred dollars per annum; the said deputy superintendents of schools to hold office at the pleasure of the superintendent of schools. The salaries and compensation of the said deputy superintendents of schools, and who shall be deputy superintendents of schools as herein provided for, shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

11 The surveyor shall receive one thousand eight hundred <sup>Surveyor</sup> dollars per annum, and actual and necessary traveling and official expenses in the county. He may appoint one deputy surveyor at a salary of fifteen hundred dollars per annum.

12. Each supervisor shall receive six dollars per day and <sup>Supervisors</sup> actual and necessary traveling expenses incurred in performing the duties of his office.

13. In counties of this class the township officers shall <sup>Township officers</sup> receive the following compensation, to wit: In townships having a population of ten thousand or more, justices of the peace shall receive a monthly salary of two hundred dollars, and may appoint one clerk at a salary of fifty dollars per month; and constables a monthly salary of one hundred and twenty-five dollars.

In townships having a population of sixty-eight hundred and eighty, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars and constables a monthly salary of one hundred and twenty-five dollars.

In townships having a population of sixty hundred and fifteen, or more, and less than sixty-eight hundred and eighty, justices of the peace shall receive a monthly salary of one hundred and sixty-five dollars, and constables a monthly salary of one hundred dollars.

In townships having a population of twenty-seven hundred and fifteen, or more, and less than sixty hundred and fifteen, justices of the peace shall receive a monthly salary of one hundred dollars, and constables a monthly salary of ninety dollars.

In townships having a population of nineteen hundred and thirty-five, or more, and less than twenty-seven hundred and fifteen, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars.

In townships having a population of seventeen hundred and eighty, or more, and less than nineteen hundred and thirty-five justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of sixty dollars.

In townships having a population of seventeen hundred and seventy-five, or more, and less than seventeen hundred and eighty, justices of the peace shall receive a monthly salary of twenty dollars, and constables a monthly salary of twenty-five dollars.

In townships having a population of sixteen hundred and sixty or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables shall receive a monthly salary of seventy-five dollars.

In townships having a population of eleven hundred and thirty-five, or more, and less than sixteen hundred and sixty,

Township  
officers

justices of the peace shall receive a monthly salary of fifty dollars, and constables a monthly salary of sixty dollars.

In townships having a population of eleven hundred and twenty-five, or more, and less than eleven hundred and thirty-five, justices of the peace shall receive a monthly salary of ninety dollars, and constables a monthly salary of ninety dollars

In townships having a population of ten hundred and sixty-five, or more, and less than eleven hundred and twenty-five, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables a monthly salary of seventy-five dollars

In townships having a population of eight hundred and eighty, or more, and less than ten hundred and sixty-five, justices of the peace shall receive a monthly salary of one hundred dollars, and constables shall receive a monthly salary of one hundred dollars.

In townships having a population of eight hundred and thirty, or more, and less than eight hundred and eighty, justices of the peace shall receive a monthly salary of sixty-five dollars, and constables shall receive a monthly salary of seventy-five dollars.

In townships having a population of seven hundred and thirty-five, or more, and less than eight hundred and thirty, justices of the peace shall receive a monthly salary of twenty dollars, and constables shall receive a monthly salary of twenty dollars.

In townships having a population of five hundred and seventy-five, or more, and less than seven hundred and thirty-five, justices of the peace shall receive a monthly salary of thirty dollars, and constables shall receive a monthly salary of thirty dollars.

In townships having a population of two hundred and twenty-five, or more, and less than five hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars, and constables shall receive a monthly salary of twenty dollars.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Population  
of townships

*Provided*, that for the purposes of this section, the population of the several judicial townships of this county shall be ascertained by multiplying the number of votes cast for presi-

dent at the election held in the year 1912, A. D., by five, which said population in said judicial townships is as follows, to wit:

Judicial township No. 1	1,135
Judicial township No. 2	1,125
Judicial township No. 3	6,015
Judicial township No. 4	1,660
Judicial township No. 5	1,780
Judicial township No. 6	19,720
Judicial township No. 7	335
Judicial township No. 8	225
Judicial township No. 9	735
Judicial township No. 10	880
Judicial township No. 11	1,935
Judicial township No. 12	1,775
Judicial township No. 13	1,065
Judicial township No. 14	575
Judicial township No. 15	2,715
Judicial township No. 16	6,880
Judicial township No. 17	2,360
Judicial township No. 18	830

The salaries of justices of the peace and of constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid.

14 In the superior court juror's fees and witness fees in criminal cases, shall be as follows:

For attending as a grand juror, for each day's actual attendance per day, three dollars, and twenty-five cents per mile for each mile actually traveled in going only, and but once during the term for which such juror is drawn, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same. Jurors

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same: *provided, however,* that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness, that the same was necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed. Witness fees.

The legislature hereby declares that subdivisions 1 to 14, inclusive, do not increase the compensation of any county or township office and that all the provisions of this act shall apply to the incumbents of said offices when this law takes effect.

## CHAPTER 596.

*An act to amend section four thousand two hundred fifty-four of the Political Code, relating to compensation of officers in counties of the twenty-fifth class.*

[Approved June 1, 1915. In effect—see sections 1, 7, 13a, 14.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred fifty-four of the Political Code is hereby amended to read as follows:

Counties of  
25th class,  
salaries of  
officers.

4254. In counties of the twenty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County  
clerk

1. The county clerk, two thousand two hundred dollars per annum: *provided*, that in counties of this class there shall be one deputy, who shall be paid a salary of one thousand five hundred dollars per annum, in equal monthly installments; one deputy who shall be paid a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments; one deputy clerk at a salary of nine hundred dollars per annum, to be paid in equal monthly installments; and one deputy at one hundred dollars per month, for thirty days next preceding each new register of voters required to be issued. All deputies shall be appointed by the county clerk. The salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk. And the clerk also to receive ten cents a name for each person registered, which shall be allowed by the board of supervisors of the county. Said fee to take effect January 1, 1915. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid not to exceed five cents for each elector registered. That any of such deputies as are required to work in the office shall receive not to exceed two dollars and fifty cents per day for the time so employed. The change in compensation hereby made is not an increase in compensation of a county officer and shall become operative as soon as this act takes effect

Sheriff

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the

fees required by law to be collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred and fifty dollars in any month so collected.

4. The auditor, one thousand six hundred dollars per annum. Auditor

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. Treasurer

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be one deputy tax collector who shall be appointed by the principal, and paid a salary of one hundred dollars per month at the same time, in the same manner, and out of the same fund as the salary of the tax collector. Tax collector

7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of one thousand five hundred dollars per annum and one to receive a salary of one thousand three hundred and twenty dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of four thousand five hundred, the assessor shall receive fifty cents. The change in compensation hereby made is not an increase in compensation of a county officer and shall become operative as soon as this act takes effect. Assessor

8. The district attorney, two thousand two hundred dollars per annum. District attorney

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of one thousand and twenty dollars per annum, to be paid at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools

Surveyor.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses, incurred in connection with field work. He shall have one deputy at a salary of fifteen hundred dollars per annum; said deputy to be appointed by the principal, and paid at the same time, and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary actual expense thereof. Also to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of sixty dollars per month, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three; townships having a population of ten thousand and more shall belong to and be known as townships of the first class; townships having a population of seven thousand and less than ten thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than seven thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that

the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred fifteen dollars per month; in townships of the second class, eighty dollars per month; in townships of the third class, fifty-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m. until five o'clock p.m. In townships of the first, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed mileage outside of his own county at the rate of twenty cents per mile, necessary travel, for one way only. These salaries shall also apply to incumbents.

15. Supervisors shall receive the sum of seven hundred and twenty dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts, and shall therefor receive for their services as such road commissioners, mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharging of their duties as such road commissioners; *provided*, that said mileage as road commissioners shall not exceed the sum of three hundred dollars for any one of the commissioners.

Witnesses

16. Witnesses in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Jurors

17. Jurors in a county of this class, both grand and petty jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going only, the sum of twenty cents per mile, such mileage to be allowed but once during each session, such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

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## CHAPTER 597.

*An act to amend section one thousand seven hundred fifty of the Political Code, relating to adoption of course of study and textbooks by high school boards.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand seven hundred fifty of the Political Code is hereby amended to read as follows:

High school  
courses of  
study

1750. The course or courses of study for every high school shall be prepared under the direction of the high school board having control thereof, and shall be subject to the approval of the state board of education. Said course or courses of study shall embrace a period of not less than four years, and except in high schools offering only commercial or other vocational courses, there shall be prescribed at least one course of study that will prepare graduates therein for admission into the state university. Every high school course of study may include training in athletics, military drill and tactics, manual training, domestic science and art, agriculture, horticulture, dairying or other vocational work, for which credit may be given as a part of said high school work, and instruction therein shall be given at such times and in such manner as said high school board shall determine.

Adoption of  
textbooks

The high school board of each district which has not already done so, shall adopt textbooks for use in such high school district, from a list prescribed by the state board of education, and the clerk or secretary of said board shall, annually, during the month of October, certify to the state board of education a list of all textbooks so adopted by said board during the previous year. The order of adoption shall be entered on the

minutes of the board, and no textbook so adopted shall be changed for the term of four years after adoption; *provided*, that a high school board may continue the use of a textbook after the expiration of such term of four years until such time as it sees fit to change such textbook, or until such time as said textbook shall be stricken from the list of textbooks prescribed by the state board of education. This section shall not be construed to forbid the adoption of an additional textbook in any subject when the textbook in such subject has been completed.

Upon satisfactory evidence being shown to the superintendent of public instruction that the high school board of any high school district has neglected or refused to establish only such courses of study as have been approved by the state board of education, or to comply with any of the other provisions of this section, it shall be the duty of such superintendent of public instruction to withhold from such high school district, all apportionments from the state high school fund, until said high school board shall fully comply with the provisions of this section.

Penalty for neglect

The high school board of any high school district, or trustees of any county high school, may prescribe post-graduate courses of study for the graduates of such high school, or other high schools, which course of study shall approximate the studies prescribed in the first two years of university courses. The high school board of any high school district, or trustees of any high school wherein such post-graduate course of study are taught, may charge tuition for pupils living without the boundaries of the district or county wherein such courses of study are taught.

Post-graduate courses

CHAPTER 598

*An act to amend section four thousand two hundred eighty-eight of the Political Code permitting boards of supervisors in counties of first class or counties operating under a charter to fix dates of which salaried employees may be paid.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred eighty-eight is hereby amended to read as follows:

4288. The salaries of such officers named in this title as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the treasurer in favor of each of said officers for the amount of salary due him under the provisions of this title for the preceding month: except that, unless in this title otherwise

Counties of 1st class, date of salary payments

provided, one-half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May and June, and one-half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants on presentation, out of the salary fund of the county treasury; *provided*, that in counties of the first class or in counties operating under a charter, the board of supervisors may, by ordinance, fix a date or schedule of dates for the payment of salaries of the officers, deputies, clerks and other employees of the several departments and institutions of the county government.

## CHAPTER 599.

*An act to provide for the appointment of a board of Pio Pico mansion trustees and for the acquisition of the Pio Pico mansion property; and making an appropriation for the preservation and protection of said property.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Pio Pico  
mansion  
trustees  
created

SECTION 1. There is hereby created the board of Pio Pico mansion trustees, which shall consist of three members, at least two of whom shall be residents of Los Angeles county. Within thirty days after this act shall go into effect the governor shall appoint one member of said board for the term of two years and two members for the term of four years. Thereafter each member shall be appointed by the governor and shall hold office for four years and until his successor is appointed and qualified. Vacancies shall be filled by appointment in the same manner for an unexpired term.

President  
and  
secretary.

SEC. 2 Immediately upon their appointment said board of Pio Pico mansion trustees shall organize by electing a president, a secretary, and a treasurer from their number. When empowered by the said board, the said president and secretary may do and perform all things pertaining to the duties of the board. No member of the board shall receive any compensation for his services, but shall be reimbursed his actual necessary expenses incurred when traveling on the business of the board.

Compensa-  
tion.

Authorized  
to receive  
mansion.

SEC. 3. The said board of Pio Pico mansion trustees are hereby authorized to receive and accept from the city of Whittier without cost to the state, the possession of and the title to that certain property known as Pio Pico mansion and grounds, and which is particularly described as—

All that certain real property situate in the county of Los Angeles, State of California, described as follows:

Beginning at a point marked by a 2 x 2 pine stake which is N. 61° 13' W. eighteen feet from a point which is S. 39° W.

184.50 feet from the most easterly corner of the lot conveyed to the city of Whittier by deed recorded in book 1300, page 77 of deeds of Los Angeles county records; thence N. 61° 13' W. 97 feet to a 1½-inch pipe; thence S. 39° 47' W. 165 feet to a 2 x 2 pine stake; thence S. 61° 13' E. 97 feet to a 2 x 2 pine stake; thence S. 61° 13' E. 97 feet to a 2 x 2 pine stake; thence N. 39° 47' E. 165 feet to the place of beginning, the same lying and being in lot 24 Rancho Ranchito or Paso de Bartolo in the county of Los Angeles, State of California, and being that proportion of lot 24 as shown on Map A, attached to a decree in partition of a portion of said rancho in case No. 21613, superior court records of the county of Los Angeles, State of California, recorded in book 999, page 81 *et seq.*, of deeds;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

To have and to hold, all and singular, the said premises, together with the appurtenances for and during so long a period of time as said mentioned and herein described property shall be used for the purposes of a museum, and so long as they shall keep in good order, condition and repair such building or buildings as are now on said property wherein shall be deposited and kept, collected, preserved and cared for such records, books, manuscripts, charts, maps, and other materials as may be deemed worthy of a place in the archives of the said State of California kept and maintained on the property herein conveyed, and for no other purpose whatever.

Conditions of transfer

It is understood and agreed that the said city of Whittier shall have the use of the eighteen-foot right of way along the east line of the city land described in said deed and recorded in book 1300, page 77, Los Angeles county deed records, being an eighteen-foot roadway and extending from the county road to the premises described above, and the same being a private roadway for the use of the property by the city of Whittier;

Right of way reserved

Also, there is reserved to the city of Whittier the water rights thereunder, and the right of way thereon.

Sec. 4 Out of any moneys in the state treasury not otherwise appropriated there is hereby appropriated the sum of four hundred dollars, to be expended during the sixty-seventh and sixty-eighth fiscal years in accordance with law for the purpose of carrying out the provisions of section three of this act.

Appropriation

## CHAPTER 600.

*An act to amend an act entitled "An act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof," approved April 22, 1911, by amending sections one and three thereof, and by adding two sections thereto to be known and designated as section seven and section eight.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof," approved April 22, 1911, is hereby amended to read as follows:

Section 1. No commission, officer, agent or employee of the State of California, or of any city and county or city or county or other political subdivision thereof, and no other person, firm, or corporation shall—

No wire  
within 13  
inches of  
pole.

Not  
applicable  
to telephone.

Toll lines  
may be  
exempt.

Not  
applicable  
to "lead"  
wires, etc.

(a) Run, place, erect or maintain any wire or cable used to carry or conduct electricity, on any pole, or any crossarm, bracket or other appliance attached to such pole, within a distance of thirteen inches from the center line of said pole; *provided*, that the foregoing provisions of this paragraph (a) shall be held not to apply to telephone, telegraph or other "signal" wires or cables which are attached to a pole to which is attached no wire or cable other than telephone, telegraph or other "signal" wire or cable, except within the corporate limits of any city or town which shall have been incorporated as a municipality. nor shall the foregoing provisions be held to apply to such wires or cables in cases where the same are placed vertically on poles, nor to "bridle" or "jumper" wires on any pole which are attached to telephone, telegraph or other "signal" wires on the same pole, nor to any "aerial" cable, as between such cable and any pole on which it originates or terminates; *and further provided*, that telephone toll lines may be exempt from the provisions of this paragraph (a) provided proper evidence introduced before the railroad commission of the State of California proves to the satisfaction of said railroad commission, that compliance with the provisions of this paragraph (a) would seriously interfere with long distance telephone transmission; *and further provided*, that the provisions of this paragraph (a) shall not be held to apply to wires run from "lead" wires to arc or incandescent lamps nor to transformers placed upon poles, nor to any wire or cable where the same is attached to the top of a pole, as between it and said pole, nor to any "aerial" cable containing telephone, telegraph or other "signal" wires where the same is attached to a pole on which no other wires or cables

than wires continuing from said cable are maintained; *provided*, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said "aerial" cable is placed.

(b) Run, place, erect or maintain in the vicinity of any pole (and unattached thereto) within the distance of thirteen inches from the center line of said pole, any wire or cable used to conduct or carry electricity, or place, erect or maintain any pole (to which is attached any wire or cable used to conduct or carry electricity) within the distance of thirteen inches (measured from the center of such pole) from any wire or cable used to conduct or carry electricity; *provided*, that as between any wire or cable and any pole, as in the paragraph (b) named, only the wire, cable or pole last in point of time run, placed or erected, shall be held to be run, placed, erected or maintained in violation of the provisions of this paragraph; *and provided, further*, that the provisions of this paragraph (b) shall not be held to apply to telephone, telegraph or other "signal" wires or cables on poles to which are attached no other wires, as between such wires and poles to which are attached no other wires or cables than telephone, telegraph or other "signal" wires. *provided*, such wires, cables and poles are not within the corporate limits of any town or city which shall have been incorporated as a municipality; *and further provided*, that telephone toll lines may be exempt from this paragraph (b) provided proper evidence introduced before the railroad commission of the State of California, proves to the satisfaction of the said railroad commission, that compliance with the provisions of this paragraph (b) would seriously interfere with long distance telephone transmission.

No wire within 13 inches of pole though unattached thereto

(c) Run, place, erect or maintain, above ground, within the distance of four feet from any wire or cable conducting or carrying less than six hundred volts of electricity, any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity, or run, place, erect or maintain within the distance of four feet from any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity any wire or cable conducting or carrying less than six hundred volts of electricity; *provided*, that the foregoing provisions of this paragraph (c) shall be held not to apply to any wires or cables attached to a transformer, arc or incandescent lamp within a distance of four feet (measured along the line of said wire or cable), from the point where such wire or cable is attached to such transformer, arc or incandescent lamp, nor to wires or cables within buildings or other structures, nor to wires or cables where the same are placed vertically on poles, or to any "lead" wires or cables between the points where the same are made to leave any pole for the purpose of entering any building or other structure and the point at which they are made to enter

Wires carrying more than 600 volts

Last wire run  
violates.

such building or structure; *and provided, further*, that as between any two wires or cables, or any wire or any cable, run, placed, erected or maintained in violation of the provisions of this paragraph (c), only the wire or cable last in point of time run, placed or erected shall be held to be run, placed, erected or maintained thus in violation of said provisions; *and further provided*, that where no more than one crossarm is maintained on a pole, all the wires or cables conducting or carrying at any one time more than six hundred volts of electricity shall be placed on the crossarm on one side of the pole, and all the wires or cables conducting or carrying less than six hundred volts of electricity shall be placed on the crossarm on the other side of the pole; *and further provided*, that the space between any wire or cable conducting or carrying at any one time more than six hundred volts of electricity and any wire or cable carrying less than said voltage shall be at least thirty-six inches clear measurement in a horizontal line. Where the foregoing provisions of this paragraph (c) can not be complied with, the railroad commission of the State of California may grant permission for the following form of construction: where two or more systems for the distribution of electric light or power occupy the same poles with wires or cables, all wires or cables conducting or carrying at any one time more than six hundred volts of electricity may be placed on the crossarms on one side of the pole, and all wires or cables conducting or carrying less than said voltage, shall in such case, be placed on the crossarms on the other side of the pole; *and further provided*, that the space between any wire or cable conducting or carrying at any one time more than six hundred volts of electricity and any wire or cable conducting or carrying less than said voltage shall be at least thirty-six inches in measurement in a horizontal line; *and further provided*, that in such construction all crossarms shall be at least thirty-six inches apart in a vertical line.

Railroad  
commission  
may permit  
exceptions

Crossarms to  
be painted  
yellow

(d) Run, place, erect or maintain any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity, without causing each crossarm, or such other appliance as may be used in lieu thereof, to which such wire or cable is attached to be kept at all times painted a bright yellow color, or, on such crossarm, or other appliance used in lieu thereof, shall be placed signs, providing, in white letters on a green background, not less than three (3) inches in height the words "high voltage" on the face and back of each crossarm. The provisions of this paragraph (d) shall not be held to apply to crossarms to which are attached wires or cables carrying or conducting more than ten thousand volts of electricity, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

Guy wires to  
be insulated

(e) Run, place, erect or maintain any "guy" wire or "guy" cable attached to any pole or appliance to which is attached

any wire or cable used to conduct or carry electricity, without causing said "guy" wire or "guy" cable to be effectively insulated at all times at a distance of not less than four (4) feet nor more than eight (8) feet (measured along the line of said wire or cable) from the upper end thereof, and at a point not less than eight (8) feet vertically above the ground from the lower end thereof; *and further provided*, that wherever two or more "guy" wires or "guy" cables are attached to the same pole and same anchorage pole there shall be at least one foot, vertical space, between the points of attachment; *and further provided*, that no insulation shall be required at the lower end of a "guy" wire or "guy" cable where same is attached to a grounded anchor, *and further provided*, that where "guy" wires or "guy" cables are attached to a pole or structure of steel or other conducting material supporting wires or cables carrying in excess of fifteen thousand volts where pole or structure is thoroughly grounded no insulation shall be required at any point in said "guy" wire or "guy" cable, none of the provisions of this paragraph (e) shall be held to apply to "guy" wires or "guy" cables attached to poles carrying no wire or cable other than telephone, telegraph or other "signal" wire or cable, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality

(f) Run, place, erect or maintain vertically on any pole any wire or cable used to conduct or carry electricity, without causing such wire or cable to be at all times wholly incased in a casing equal in durability and insulating efficiency to a wooded casing not less than one and one-half inches thick. The provisions of this paragraph (f) shall not be held to apply to vertical telephone, telegraph or other "signal" wires or cables on poles where no other such wires or cables are maintained, and which are outside the corporate limits of any town or city which shall have been incorporated as a municipality; nor to wires or cables run vertically on iron poles or structures where both pole or structure and conduit are securely grounded.

Wires to be insulated

(g) Place, erect or maintain on any pole, or any crossarm or other appliance on said pole, which carries or upon which is placed an electric arc lamp, any transformer for transforming electric currents; *provided, however*, that this section (g) shall not apply if any arc lamp that shall be suspended so that it can be trimmed from the ground or from a stand located on the pole not less than seven feet below the transformer; *and further provided*, that in so suspending an arc lamp (where transformer is located on same pole) no wire or cable in connection therewith shall be run vertically on the pole unless said wire or cable be protected as provided for in paragraph (f) of this section 1.

Transformers and arc lamps not to be carried on one pole

(h) Run, place, erect or maintain any wire or cable carrying more than fifteen thousand volts of electricity across any wire or cable carrying less than said voltage or across any

Crossing of high voltage wires.

public highway, except on pole of such height and so placed at each crossing that under no circumstances can said wire or cable of said voltage higher than fifteen thousand volts in case of breakage thereof or otherwise, come in contact with any wire or cable of less than said voltage, or fall within a distance of ten (10) feet from the surface of any public highway: or in lieu thereof double strength construction may be installed, in which case the wires carrying a voltage higher than fifteen thousand volts shall, between the points of crossing, be of a cross-section area equal to at least twice that used in the line outside of such crossing, except where the conductor used is equal to number four (4) stranded Brown and Sharpe gauge or greater, in which case the wires or cables will be considered as complying with the law.

Attachment  
of suspension  
wires.

(i) Run, place, erect or maintain any suspension wire to which is attached any "aerial" cable of "75 pair number nineteen Brown and Sharpe gauge" or over, or of "100 pair number twenty-two Brown and Sharpe gauge" or over suspended from a crossarm (or from any other structure or appliance from which said suspension wire is hung), by a single bolt and clamp without at the same time attaching said suspension wire to said crossarms, structure or appliance by an additional "safety" bolt and clamp (or other "safety" appliance for thus attaching said suspension wire) of tensile strength equal to the first herein said bolt and clamp

SEC. 2. Section three of said act is hereby amended to read as follows:

Insulation of  
span wires.

Sec 3. No commission, officer, agent or employee of the State of California, or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation shall run, place, erect or maintain any "span" wire attached to any wire or cable used to conduct or carry electricity, without causing said "span" wire to be at all times effectively insulated between the outer point at which it is in any case fastened to the pole or other structure by which it is hung or supported, and at the point at which it is in any case thus attached; *provided*, that such insulation shall not in any case be placed less than two (2) feet or more than four (4) feet from said point at which said "span" wire is so attached, and that when in any case such "span" wire is attached along its length to any two (2) such wires or cables, conducting or carrying electricity and extending parallel to each other, not more than eighteen (18) feet apart, such insulation shall not be required therein at any point between such parallel wires or cables: none of the provisions of this section three (3) shall be held to apply where "feeder" wires are used in place of "span" wires.

SEC. 3. A new section to be known and designated as section seven, is hereby added to said act, to read as follows:

Extension of  
time.

Sec 7. Any commission, officer, agent or employee of the State of California or any city and county, or city or county, or other political subdivision thereof, or any other person,

firm or corporation may upon proper application to the railroad commission of the State of California be granted by said railroad commission an extension of time beyond that provided for in section 6 of this act; *provided*, it is shown to the satisfaction of said commission that the provisions of this act can not be complied with by said applicant within said time, or that the applicant for good and sufficient reasons has not been able to comply with the provisions of this act, and that such applicant has heretofore used due diligence so to do within the time specified in said section 6.

SEC. 4. A new section to be known and designated as section eight, is hereby added to said act, to read as follows:

Sec. 8. The railroad commission of the State of California is hereby vested with authority and power, at its discretion to grant such additional time and is hereby instructed to inspect all work which is included in the provisions of this act, and to make such further additions or changes as said commission may deem necessary for the purpose of safety to employees and the general public, and the said railroad commission is hereby charged with the duty of seeing that all the provisions of this act are properly enforced.

Power to grant additional time

CHAPTER 601.

*An act to amend section seventeen hundred and fifty-six of the Political Code of the State of California, relating to the estimate of tax for maintenance of high school.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seventeen hundred and fifty-six of the Political Code is hereby amended to read as follows:

1756. It shall be the duty of every high school board to make and file with the county superintendent of schools of each county in which any part of their high school district is situated, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, an estimate of the amount of money required for maintaining the high school in said district for the current school year, including rent or construction of temporary quarters, if any, or additions to the plant already constructed. Such estimate shall be itemized so as to show the amount required for each of the following items: (a) Teachers' salaries; (b) current expenses; (c) books, magazines and apparatus; (d) sites, buildings and furniture; (e) other miscellaneous expenses. Whenever the amount estimated for any item exceeds by ten per cent or more the amount expended for said item during the preceding school year, a written statement showing the reason for such increase must be submitted

Estimate of tax for support of high schools

Items included.

First estimate after establishment

with said estimate. The first such estimate after the formation of any high school district shall also include, if temporary quarters have been secured for the high school, the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Every county board of education, acting as trustees of the county high school, shall annually make and file with the county superintendent of schools of their county the estimate required by this section. Should the trustees of any county high school or the high school board of any high school district, fail to make the estimate provided for in this section, it shall be the duty of superintendent of schools of the county, or having jurisdiction over such high school district to make such estimate.

Failure to make estimate.

Revision.

Whenever such estimate has been submitted to the county superintendent of schools, he shall have power to revise said estimate or any item thereof. Said estimate as revised and approved by the county superintendent of schools, shall thereupon become the estimate of said high school district and shall be submitted to the board of supervisors as a basis for levying the special tax for maintenance of said high school, as provided in section 1757 of this code. It is hereby made the duty of the county superintendent of schools to submit said estimate to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing school year, and he shall submit therewith a statement showing the amount expended by such high school district for each item of said estimate, during the preceding school year.

Duty of county superintendent.

## CHAPTER 602.

*An act prohibiting the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serum or virus; requiring every establishment for the preparation of hog cholera serum, virus, vaccine or antitoxin to be inspected and licensed by the director of the agricultural experiment station of the University of California; and providing penalties for violation of any of the provisions hercof.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Unlawful to sell dangerous hog cholera serum

SECTION 1. It shall be unlawful for any person, firm or corporation to prepare, sell, barter, ship or exchange in this state any worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin.

Must be prepared under direction of University of California.

SEC 2 It shall be unlawful for any person, firm or corporation to prepare, sell, barter, ship or exchange in this state any hog cholera serum, virus, vaccine or antitoxin unless and until the said serum, virus, vaccine or antitoxin shall

have been prepared under and in compliance with the regulations prescribed by the director of the agricultural experiment station of the University of California, hereinafter referred to as director, at an establishment holding, and operating under, an unsuspended and unrevoked license issued by the director as herein authorized.

SEC. 3 The director is hereby authorized to examine and inspect all hog cholera serum, virus, vaccine or antitoxin prepared, sold, bartered, shipped or exchanged in this state and to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin and to issue, suspend and revoke licenses for the maintenance of establishments for the preparation of hog cholera serum, virus, vaccine or antitoxin.

Director authorized to inspect serum

SEC. 4. The licenses issued under the authority of this act to establishments where hog cholera serums, viruses, vaccines or antitoxins are prepared for sale, barter, shipment or exchange shall be issued on condition that the licensee shall permit the inspection of such establishment and of such products and their preparation; and the director may suspend or revoke any permit or license issued under the authority of this act after opportunity for hearing has been granted the licensee, when the director is satisfied that such license is being used to facilitate or effect the preparation, sale, barter, shipment or exchange of worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin.

Licenses for establishments preparing serum

SEC. 5. The director and each of his agents duly authorized for the purpose may at any time enter and inspect any establishment where any hog cholera serum, virus, vaccine or antitoxin is prepared.

Director may freely enter establishments.

SEC. 6. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress.

Construction of act

SEC. 7 Any person, firm or corporation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Violation  
Penalty.

SEC. 8 For the purpose of carrying into effect this act the regents of the University of California are hereby authorized to collect and there shall be paid to the regents of the University of California by every manufacturer, importer, agent, or dealer in hog cholera serum, virus, vaccine or antitoxin, a license tax of one mill for every cubic centimeter of serum, virus, vaccine or antitoxin sold or distributed, and each manufacturer or importer of any hog cholera serum, virus, vaccine or antitoxin shall file with the secretary of the board

License tax

of regents of the University of the State of California, quarterly, a sworn statement showing all sales of hog cholera serum, virus, vaccine or antitoxin for the preceding quarter, accompanied by a corresponding amount of the license tax above specified; *provided, however*, that nothing herein shall prevent the sale or distribution of hog cholera serum, virus, vaccine or antitoxin produced in a laboratory holding a license issued by the United States department of agriculture to manufacture or import hog cholera serum, virus, vaccine or antitoxin.

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## CHAPTER 603

*An act authorizing the sale of certain property belonging to the State of California, and located in what is known as reclamation district 1600 in Yolo county.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Sale of state  
land in  
reclamation  
district  
1600  
authorized.

SECTION 1. The state board of control is hereby authorized and empowered to sell all or any portion of the property owned by the state in what is known as reclamation district sixteen hundred, in Yolo county, consisting of approximately two hundred fifty and thirty-three hundredths acres. Said property may be disposed of either at public auction or private sale after public notice. The sale of said property under the provisions of this act shall be made subject to the assessment which has been levied by said reclamation district against the acreage held by the state. The title of the property sold shall be transferred to the purchaser by deed executed by the governor. The money realized from the sale of said property shall be paid into the general fund in the state treasury.

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## CHAPTER 604.

*An act to amend sections seven, eight, eight a, eight b, eight c, eight d, and nine of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof"; approved March 6, 1907; approved March 19, 1909; approved April 25, 1911; approved June 11, 1913.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved

March 6, 1907, approved March 19, 1909, approved April 25, 1911, approved June 11, 1913, is hereby amended to read as follows:

Sec. 7. Any person violating any of the provisions of sections eight or eight *a* of this act shall upon conviction thereof be guilty of and shall be punished as follows, viz: for the first offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred and eighty days, or by both such fine and imprisonment; for the second offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense said person so convicted shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in section eight or eight *a*, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy, and twenty-five per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. The following is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and tansy, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna; nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule

Penalty for unlawful sale of narcotics.

Second offense

Third offense

Disposition of fines.

Schedule "A"

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formalin; cantharides, cocculus indicus, all their preparations; iodine, or its tinctures, oil of pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of cresol.

Schedule "B"

Sec. 2. Section eight of said act is hereby amended to read as follows:

Sec. 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine,

Unlawful to sell certain narcotic drugs.

opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova eucaine, flowering tops and leaves, extracts, tinctures and other narcotic preparations of hemp or loco weed (*Cannabis sativa*), Indian hemp, or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than two grains of opium or one quarter grain of morphine, or one grain of codeine, or one eighth grain of heroin or ten grains of chloral hydrate, or four grains of Indian hemp or loco weed excepting upon the written order of the prescriber for each and every subsequent compounding and dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filing thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further*, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section two of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations. And said records shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector authorized by said board and such records shall be preserved for at least two years after the date of the last entry

Physician's  
prescription.

Permanent  
record.

No copy or  
duplicate.

Not  
applicable  
to sales at  
wholesale

Wholesaler's  
record

therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provision of this act; *provided, further*, that a true and correct copy of all orders, contracts or agreements taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section two of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, or of any one representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being; *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; *provided*, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith, under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment; *provided, further*, that the provision immediately foregoing shall not apply to any licensed physician treating such habitue in good faith who personally administers such narcotics, enumerated in this section, after writing a prescription therefor; *and provided, further*, that the above provisions shall not apply to preparations sold or dispensed without a

Order to traveling agent deemed sale.

Copy of order to board of pharmacy

Unlawful for practitioners to prescribe narcotics to habitual users.

Report of habitual users taken for treatment

physician's prescription containing not more than two grains of opium, or one fourth grain of morphine, or one grain of codeine, or one eighth grain of heroin, or ten grains chloral hydrate or four grains of Indian hemp or loco weed in one fluid ounce or, if a solid preparation, in one ounce, avoirdupois.

SEC. 3. Section eight *a* of said act is hereby amended to read as follows:

Possession of  
opium pipes,  
misdemeanor

Sec. 8*a*. The possession of a pipe or pipes used for smoking opium (commonly known as opium pipes) or the usual attachment or attachments thereto, or other contrivances used for smoking opium, or extracts, tinctures or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than four grains to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), is hereby made a misdemeanor, and upon conviction thereof shall be punishable by the penalties prescribed in section seven of this act.

SEC. 4. Section eight *b* of said act is hereby amended to read as follows:

Narcotics  
and opium  
pipes may  
be seized by  
peace officer

Sec. 8*b*. All narcotic drugs specified in section eight and also all pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, flowering tops and leaves, or extracts, tinctures, or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than four grains of Indian hemp or loco weed to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in chapter III of title XII of part II of the Penal Code. All such narcotic drugs, pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, and all such hemp or preparation of hemp or loco weed seized under the provisions of this act shall be ordered destroyed by the judge of the court in which final conviction was had; said order of destruction shall contain the name of the party charged with the duty of destruction as herein required; *provided, however*, that the judge shall turn all such evidence over to the California state board of pharmacy for such destruction; *and provided, further*, that any narcotic drugs specified in section eight, opium pipes and the usual attachments thereto, or smoking opium, seized under the provisions of this act, now in the possession of any city or county official or officials, or the California state board of pharmacy, or which may hereafter come into their or its possession, in which no trial was had, shall be delivered to the California

Order of  
destruction.

state board of pharmacy for destruction by said board; *provided, however*, that none of the narcotic drugs specified in section eight, opium pipes and the usual attachments thereto, or smoking opium coming into the possession of said board, as above described, shall not be destroyed within a period of six months from the date of such seizure; *and provided, further*, that the board of pharmacy may dispose of all narcotics now on hand or hereafter coming into their possession (other than smoking opium). either by gift to the medical director of California state prisons or state hospitals or by sale to wholesale druggists, the funds received from such sales to be applied by the board of pharmacy to the carrying out the provisions of this act or of the act creating such California state board of pharmacy.

Alternative disposition

SEC. 5. Section eight *c* of said act is hereby amended to read as follows:

Sec. 5c. The board may revoke the registration of any registered pharmacist or assistant pharmacist upon conviction of the second offense for violating any of the provisions of section eight or eight *a* of this act, and in such case said registration shall not be restored before the period of one year from the date of said revocation.

Revocation of registration of pharmacist for violation

SEC. 6. Section eight *d* of said act is hereby amended to read as follows:

SEC. 8d. The state board of pharmacy is hereby charged with the enforcement of the provisions of section 307 of the Penal Code and all fines, moneys or forfeited bail imposed for violation of said section upon collection shall be disposed of as is provided for the disposition of fines, moneys or forfeited bail, in section seven of this act.

Enforcement of act

SEC. 7. Section nine of said act is hereby amended to read as follows:

Sec. 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound, paregoric in quantities of more than one fluid ounce, is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practice in this state, but this prohibition shall not apply to solution of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulation as the poisons enumerated in schedule "A" as found in section seven.

Sale of carbolic acid and paregoric.

## CHAPTER 605.

*An act to add a new section to the Code of Civil Procedure of the State of California to be numbered one thousand two hundred thirty-five, relating to dissolution of trust companies.*

[Approved June 1, 1915. In effect August 8 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered one thousand two hundred thirty-five, and to read as follows:

Application  
for dissolution  
of trust  
companies

1235. If the applicant is a trust company as defined by the bank act the application must be in writing and signed and verified as in this title provided, and need set forth only that at a meeting of the stockholders called for that purpose the dissolution of the corporation was resolved upon by a vote of the holders of two-thirds of the subscribed capital stock; that all the debts of the corporation have been paid and that the applicant has either executed or been discharged from all court trusts, as defined by said bank act, theretofore accepted by it. The application shall request that the applicant be discharged as trustee from all of its trusts. There shall be attached to said application a schedule showing, wherever possible, the name or names of the trustor or trustors, and the name or names of the beneficiary or beneficiaries, and a description of the property of each trust of which the applicant is trustee. Upon the filing of the application, the court shall make an order setting forth the filing of the application and the name of the corporation by which it is filed, and directing all persons interested in said matter to appear before the court at a time and place specified not less than four nor more than eight weeks from the time of making such order, to show cause why the application shall not be granted. A copy of the order to show cause must be published for four successive weeks in some newspaper of general circulation, to be designated in the order, printed in the county, if a newspaper be printed therein, or if no newspaper be printed in the county, a copy of such order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is held for a like period. Proof must be made to the satisfaction of the court of such publication or posting at the time of hearing of the application. Such application must be heard at such time as the court may appoint, and objections may be filed by any person who can in such objections show to the court good grounds therefor. Upon the hearing the court may examine on oath any of the applicants, remonstrators, or other persons touching the application. The court may by decree discharge the applicant as trustee from all of its trusts and declare it dissolved, and appoint a person or persons,

Schedule  
showing  
additional  
matters

Order to  
show cause

Publication.

Hearing

Designation  
of trustee  
upon  
dissolution.

natural or corporate, duly qualified to accept and administer trusts under the laws of the State of California, to be designated by the court and named in the decree, trustee or trustees of said trusts in the place of and instead of the applicant. If, however, at the time of the hearing, the trustor and all of the beneficiaries under any particular trust, nominate a person or persons, natural or corporate, duly qualified to accept and administer trusts under the laws of the State of California, to act as trustee or trustees of such trust, then such nominated person or persons shall be appointed trustee or trustees of such trust in place of and instead of the applicant for dissolution. The provisions of section two thousand two hundred eighty-seven of the Civil Code shall not be applicable to any proceeding pursuant to the provisions of this section. Thereupon the applicant shall be discharged as trustee from all of its trusts, and the person or persons, trust company or trust companies, appointed in its place and stead shall be trustee or trustees of each and every of said trusts respectively, to administer the said trusts for fees not exceeding those agreed to be paid to the dissolved trust company. A certified copy of the decree of the court must be filed as is provided on dissolution of other corporations. The application with its accompanying schedule, the order to show cause, proofs of publication or posting, objections, if there be any, nominations, if there be any, and the decree shall constitute the judgment roll, and from the judgment an appeal may be taken as from other judgments of the superior court. The state treasurer, or other state officer or official having charge or custody of any securities, deposits or funds belonging to such corporation shall return all of the same to the directors of the corporation dissolved, or to such other persons as may be appointed by the court to wind up the affairs of such corporation, when furnished with a certified copy of the decree of the court, dissolving such corporation.

Section 2287  
Civil Code  
not  
applicable

Judgment  
roll

Disposition  
of funds

CHAPTER 606.

*An act to amend section 1219 of the Political Code, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.*

[Approved June 2, 1915. In effect—see sections 1, 2, 3, 6, 7, 13, 16, 21.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 4249 of the Political Code is hereby amended to read as follows:

4249. In counties of the twentieth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees, to wit:

Counties of  
20th class,  
salaries of  
officers

County  
clerk.

1. The county clerk, three thousand dollars per annum, and such fees as are now, or may be hereafter allowed by law, and in any year when a new great register of voters is required by law, he shall receive in addition thereto, ten cents per name for each person registered. He may appoint one deputy who shall receive a salary of eighteen hundred dollars per annum; two deputies at a salary of twelve hundred dollars each per annum; and one deputy, who shall be a stenographer, at a salary of six hundred dollars per annum, and during any year when an official primary election is held in the county, he may appoint one additional deputy, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and stenographer herein provided for shall be paid by the county at the same time and in the same manner, and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters, in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. On and after January sixth, 1919, all fees, commissions and perquisites from whatever source received and collected by the county clerk, shall be paid into the county treasury, and shall belong to the county.

Sheriff

2 The sheriff, four thousand five hundred dollars per annum; *provided*, there shall be and there hereby is allowed to the sheriff the following deputies, which offices are hereby created, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month, one deputy at a salary of seventy-five dollars per month, and one deputy to act as jailer at a salary of seventy-five dollars per month. The salaries of the deputies and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner, and out of the same funds as the salary of the sheriff is paid. In criminal cases, and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff or chief deputy, and filed with the board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to, and filed as separate claims. A monthly statement of all fees collected from whatever source derived, duly subscribed and sworn to by the sheriff or chief deputy shall be filed with the county treasurer on or before the tenth day of each month. The board of supervisors may allow the sheriff a sum not to exceed thirty-seven and one-half cents per day for feeding each prisoner committed to his custody. Prisoners shall be fed

three meals each day. The changes in this subdivision made shall apply to the incumbent, and shall be in lieu of all fees, commissions, and mileage.

3. The recorder, three thousand five hundred dollars per annum; and said recorder may appoint two deputy recorders, one of whom shall receive a salary of twelve hundred dollars per annum, and one who shall receive a salary of eight hundred dollars per annum. He may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for, shall be paid by the county in monthly installments, out of the same fund as the recorder is paid. All fees, commissions and perquisites collected by the recorder from whatever source received, shall be paid into the county treasury. The recorder shall file monthly, on or before the tenth day of each month, with the county auditor, a verified statement showing in detail the fees received by him, and the amounts paid to copyists or other employees in his office, and the names of the persons to whom the same were paid. On and after January sixth, 1919, the salary of the recorder shall be three thousand dollars per annum. Recorder.

4. The auditor, one thousand eight hundred dollars per annum. He may appoint one deputy, who shall receive a salary of twelve hundred dollars per annum; and one copyist for the months of September and October in each year, at a salary of one hundred dollars per month. The deputy and copyist herein provided for, shall be paid by the county in monthly installments, in the same manner and out of the same fund as the auditor is paid. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum; and four clerks, for four months in each year, at a salary of forty dollars per month; he may also appoint one copyist, at a salary of fifty dollars per month for four months, and two indexers, at a salary of fifty dollars each per month for three months in each year, whose duty it shall be to compile an index to the assessment rolls of the county, and of each sanitary district, said index to be a public record, and to be kept in the office of the tax collector for public use. Said deputy, clerks and indexers to be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid. All fees, perquisites and commissions from whatever source derived, collected by the tax collector, shall be paid into the county treasury, and shall belong to the county. On and after January sixth, 1919, the salary of the tax collector shall be three thousand dollars per annum. Tax collector.

Assessor

7. The assessor, four thousand dollars per annum. In counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor at a salary of one hundred dollars per month; one deputy assessor at a salary of seventy-five dollars per month; and such additional field deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks who receive a per diem, shall not exceed the sum of two thousand dollars per annum. Said additional deputies and clerks to be paid by the county on the presentation and filing with the board of supervisors of duly verified claims, showing the services rendered approved by the assessor. The salaries of all deputies, clerks and employees shall be paid by the county, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal property taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent. On and after January sixth, 1919, the salary of the assessor shall be three thousand five hundred dollars per annum.

District  
attorney.

8 The district attorney, two thousand and four hundred dollars per annum; and said district attorney may appoint a stenographer, which office is hereby created, who shall receive a salary of seventy-five dollars per month; *provided, however*, that such stenographer shall receive a salary of ninety dollars per month in case such stenographer shall perform all the services required in the county as official reporter in all preliminary hearings in felony cases. Said stenographer shall be paid by the county at the same time and in the same manner, and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision 2 of section 4307 of the Political Code.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-  
trator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of the county; a verified itemized statement of such expenses shall be filed by said superintendent monthly with the board of supervisors. Superintendent of schools

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and, in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. Whenever the surveyor is directed by the board of supervisors or assessor to plat, trace or otherwise prepare maps, plats or block-books for the use of the county assessor or said board, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred dollars per month. In townships having a population of not less than fifteen hundred nor more than three thousand five hundred, seventy-five dollars per month. In all townships having a population less than fifteen hundred, forty dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents. Justices of the peace

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than fifteen hundred nor more than three thousand five hundred, seventy dollars per month. In all townships having a population of less than fifteen hundred, thirty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury. Constables.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Board of education.

Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Supervisors

16. Each supervisor, fifteen hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars. The changes as to salary made in this subdivision shall not apply to incumbents.

Jurors.

17. In counties of this class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

Duty of grand jury to examine books.

18. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records, and accounts of all the officers of the county and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendation as they may deem proper and fit; and if, in their judgment, the service of an expert is necessary they shall have power to employ one, at an agreed compensation, not to exceed ten dollars per day, payable as other county charges. The judge, on impanelment of such grand jury, shall charge them specially as to their duties regarding the examination of the accounts of county officials, as herein required; *provided*, that if any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury, the said comments shall not be deemed to be privileged.

Justices of the peace, office rent, etc.

19. Justices of the peace shall be allowed for their office rent, and expenses, the sum of fifteen dollars each per month, in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor must withhold warrants for salary and office rent, until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly

salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

20. In counties of this class there shall be appointed by Jail matron the sheriff a suitable woman as jail matron, who shall have care of female prisoners confined in the county jail. She shall be paid a salary of fifty dollars per month, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid.

21. The changes made in this act shall apply to the incumbents unless otherwise herein provided.

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CHAPTER 607.

*An act to amend sections two, twelve, thirteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-four, twenty-five, twenty-six, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, thirty-six, thirty-seven, forty-six, forty-seven, fifty-seven, seventy-one, seventy-two, seventy-five, seventy-six, seventy-seven and eighty-one of an act entitled "An act to promote the general welfare of the people of this state as affected by accident causing the injury or death of employces in the course of their employment, by creating a liability on the part of employers to compensate such employces and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a 'state compensation insurance fund' to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating an industrial accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act." approved May 26, 1913, and to add thereto a new section to be numbered seventy-five a.*

[Approved June 3, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act to promote the general welfare of the people of this state as affected

by accident causing the injury or death of employees in the course of their employment, by creating a liability on the part of employers to compensate such employees and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a 'state compensation insurance fund' to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating an industrial accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 26, 1913, and known as the workmen's compensation insurance and safety act is hereby amended to read as follows:

Definitions. Sec. 2. The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

"Commission" (1) The term "commission" means the industrial accident commission of the State of California.

"Commissioner" (2) The term "commissioner" means one of the members of the commission.

"Compensation" (3) The term "compensation" means compensation under this act and includes every benefit or payment conferred by sections twelve to thirty-five, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

"Damages." (4) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act.

"Person" (5) The term "person" includes an individual, firm, voluntary association or a corporation.

"Insurance carrier" (6) The term "insurance carrier" includes the state compensation insurance fund herein created and any private company, corporation or mutual association authorized under the laws of this state to insure employers against liability for compensation under this act.

"Compensation provisions," (7) The phrase "compensation provisions of this act" means and includes sections twelve to thirty-five, inclusive, of this act.

"Safety provisions" (8) The phrase "safety provisions of this act" means and includes sections fifty-one to seventy-two, inclusive, of this act.

Singular and plural. (9) Whenever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

SEC. 2. Section twelve of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 12. (a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever to any person, shall, without regard to negligence, exist against an employer for any personal injury sustained by his employees arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

(1) Where, at the time of the injury, both the employer and employee are subject to the compensation provisions of this act When liability exists against employer

(2) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment as such. Subject to act

(3) Where the injury is proximately caused by the employment, either with or without negligence, and is not so caused by the intoxication or the wilful misconduct of the injured employee. Performing service

(b) Where such conditions of compensation exist, the right to recover such compensation pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death, except that when the injury was caused by the employer's gross negligence or wilful misconduct and such act or failure to act causing such injury was the personal act or failure to act on the part of the employer himself, or if the employer be a partnership on the part of one of the partners, or if a corporation, on the part of an elective officer or officers thereof, and such act or failure to act indicated a wilful disregard of the life, limb, or bodily safety of employees, any such injured employee may, at his option, either claim compensation under this act or maintain an action at law for damages. Not caused by misconduct

If such action is commenced and at any time before judgment is withdrawn or dismissed and the injured employee or his dependents apply for compensation under this act, the commission shall allow the employer or insurance carrier, as a counter claim or set-off against any indemnity or death benefit awarded, the reasonable expense incurred in preparing for or making a defense against such suit for damages. Remedy against employer

(c) In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed. Allowance if action is withdrawn

SEC. 3. Section thirteen of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 13. The term "employer" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: Other cases

The state, and each county, city and county, city, school district and all public corporations and quasi-public corporations thereon, and every person, firm, voluntary association, and private corporation (including any public service corporation), who has any person in service under any appointment or contract of hire, or apprenticeship express or implied, oral or written, and the legal representatives of any deceased employer.

SEC. 4. Section fifteen of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Compensation  
schedule.

Sec. 15. Where liability for compensation under this act exists such compensation shall be furnished or paid by the employer and be as provided in the following schedule:

Medical  
treatment.

(a) Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may reasonably be required at the time of the injury and within ninety days thereafter, unless such time is extended by the commission, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same.

Disability  
indemnity.

(b) 1. If the injury causes disability, a disability indemnity which shall be payable for one week in advance as wages on the fifteenth day after the injured employee leaves work as a result of the injury, and thereafter on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

(1) If the period of disability does not last longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity whatever shall be recoverable.

(2) If the period of disability lasts longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity shall be recoverable for the first two weeks of such disability.

2. The disability indemnity payable shall be as follows:

Temporary  
disability

(1) If the injury causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability;

(2) If the injury causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability;

(3) If the temporary disability caused by the injury is at times total and at times partial the weekly disability indemnity during the periods of each such total or partial disability shall be in accordance with paragraphs (1) and (2) of this subdivision respectively;

(4) Paragraphs (1), (2) and (3) of this subdivision shall be limited as follows: <sup>Aggregate indemnity.</sup> Aggregate disability indemnity for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the injury.

(5) If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability indemnity computed and allowed as follows: <sup>Permanent disability.</sup> For a one per cent disability sixty-five per cent of the average weekly earnings for a period of four weeks; for ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life.

(6) The indemnity for permanent disabilities <sup>Intermediate schedule.</sup> intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: If under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

(7) In determining the percentages of permanent disability, <sup>Determination of disability</sup> account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee and his age at the time of such injury.

(8) Nothing contained in the foregoing schedule of permanent disability indemnity shall be held to limit the amount of compensation recoverable for any such permanent injury during any period of total incapacity resulting from that injury.

Total disabilities

(9) The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact.

Computation of per cent age of permanent disability

(10) The percentage of permanent disability caused by any injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any injury previously suffered or any permanent disability caused thereby.

Death of injured employee.

3. The death of the injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, without administration, or if there are no dependents, to the personal representatives of the deceased employee or other person entitled thereto, but such death shall be deemed to be the termination of the disability.

Death benefits

(c) If the injury causes death, either with or without disability, a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

Leaving person wholly dependent

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, the death benefit shall be a sum sufficient, when added to the disability indemnity which, at the time of death has accrued and become payable, under the provisions of subsection (b) hereof, including the reasonable expense of his burial, not exceeding one hundred dollars, to make the total disability indemnity, cost of burial and death benefit equal to three times his average annual earnings, such annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

Leaving person partially dependent

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the annual amount devoted by the deceased to the support of the person or persons so partially dependent bears to such average annual earnings; *provided*, that the death benefit shall not be greater than a sum sufficient, when added

to the disability indemnity which, at the time of the death, has accrued and become payable under the provisions of subsection (b) hereof, together with the reasonable cost of the burial of such deceased employee, not exceeding one hundred dollars, to make the total disability indemnity, cost of burial and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

(3) If the deceased employee leaves no person dependent upon him for support, the death benefit shall consist of the reasonable expenses of his burial, not exceeding one hundred dollars, and such further death benefit as may be provided by law.

Leaving no person dependent

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

Payment discharges employer from claims

Sec. 5. Section sixteen of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 16. (a) Unless compensation is paid or an agreement for its payment made within the time limited in this section for the institution of proceedings for its collection, the right to institute such proceedings shall be wholly barred.

Limitation of actions

(b) The periods within which proceedings for the collection of compensation may be commenced are as follows:

(1) Proceedings for the collection of the benefit provided by subsection (a) of section fifteen or for the collection of the disability indemnity provided by subsection (b) of said section fifteen must be commenced within six months from the date of the injury, except as otherwise provided in this act.

Within six months

(2) Proceedings for the collection of the death benefit provided by subsection (c) of said section fifteen must be commenced within one year from the date of death, and in any event within two hundred forty weeks from the date of the injury, and can only be maintained when it appears that death ensued within one year from the date of the injury, or that the injury causing death also caused disability which continued to the date of the death and for which a disability indemnity was paid, or an agreement for its payment made, or proceedings for its collection commenced within the time limited for the commencement of proceedings for the recovery of the disability indemnity.

Within one year

(c) The payment of the disability indemnity or death benefit, or any part thereof, or agreement therefor, shall have the effect of extending the period within which proceedings for its collection may be commenced, six months from the date of the agreement or last payment of such disability indemnity or death benefit or any part thereof; *provided, however*, that nothing contained in this section shall be construed to bar the right of any injured employee to institute proceedings for the

Payment extends period

If original injury causes further disability

collection of compensation within two hundred forty-five weeks after the date of the injury, upon the grounds that the original injury has caused further disability, and the jurisdiction of the commission, in such cases, shall be a continuing jurisdiction at all times within such period.

In case of  
minor  
dependents.

(d) If an injured employee, or in the case of his death, one or more of his dependents, shall be under twenty-one years of age or incompetent at any time when any right or privilege accrues to such person under the provisions of this act, a general guardian, appointed by the court or a guardian ad litem or trustee appointed by the commission or a commissioner may, on behalf of any such person, claim and exercise any such right or privilege with the same force and effect as if no such disability existed; and no limitation of time provided by this act shall run against any such person under twenty-one years of age or incompetent unless and until such guardian or trustee is appointed.

Refusal of  
medical  
treatment

(c) No compensation shall be payable in respect of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, the risk of which is, in the opinion of the commission, based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

Previous  
injury no  
bar.

(f) The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such sum as will reasonably represent his annual earning capacity at the time of the later injury.

Payment  
during  
incapacity  
not  
admission of  
liability,  
etc.

(g) Any payment, allowance or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be construed to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer, but any such payment allowance or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid.

SEC. 6. Section seventeen of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Average  
weekly and  
annual  
earnings.

Sec. 17. (a) The average weekly earnings referred to in section fifteen hereof shall be one fifty-second of the average annual earnings of the employee; in computing such earnings his average annual earnings shall be taken at not less than three hundred and thirty-three dollars and thirty-three cents,

nor at more than one thousand six hundred and sixty-six dollars and sixty-six cents and between said limits shall be arrived at as follows:

(1) If the injured employee has worked in the same employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily earnings, wage or salary which he earned as such employee during the days when so employed. If in same employment one year

(2) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily earnings, wage or salary which an employee of the same class, working substantially the whole of such immediately preceding year, in the same or a similar kind of employment, in the same or a neighboring place, earned during the days when so employed. Less than one year

(3) In every case where for any reason the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as shall reasonably represent the average annual earning capacity of the injured employee at the time of the injury in the kind of employment in which he was then working, or in any employment comparable therewith, but not of a higher class Other cases

(b) In determining such average weekly earnings, there shall be included the market value of board, lodging, fuel and other advantages received by the injured employee, as part of his remuneration and which can be estimated in money, but such average weekly earnings shall not include any sum which the employer paid to the injured employee to cover any special expenses entailed on him by the nature of his employment. Items included in estimate.

(c) If the injured employee is under twenty-one years of age, and his incapacity, whether total or partial, is permanent, his average weekly earnings shall be deemed, within the limits fixed, to be the weekly sum, that under ordinary circumstances he would probably be able to earn after attaining the age of twenty-one years, in the occupation in which he was employed at the time of the injury, or the occupation to which he would reasonably have been promoted, if he had not been injured. Estimate in case of minor

Sec. 7. Section nineteen of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 19. (a) The following shall be conclusively presumed to be wholly dependent for support upon a deceased employee: Persons wholly dependent for support

(1) A wife upon a husband with whom she was living at the time of his death, or for whose support such husband was legally liable at the time of his death.

(2) A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(3) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he or they are living at the time of the death of such parent or for whose maintenance such parent was legally liable at the time of his death, there being no surviving dependent parent.

Dependency  
question of  
fact

(b) In all other cases, questions of entire or partial dependency and questions as to who constitute dependents and the extent of their dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee.

Persons not  
dependent.

(c) No person shall be considered a dependent of any deceased employee unless a member of the family of such employee or unless such person bears to such employee the relation of husband or wife, child, adopted child or stepchild, father or mother, father-in-law or mother-in-law, grandfather, or grandmother, brother or sister, uncle or aunt, brother-in-law or sister-in-law, nephew or niece.

Division of  
benefit  
between  
persons  
wholly and  
partially  
dependent

(d) 1. If there is one or more persons wholly dependent for support upon a deceased employee, such person or persons shall receive the entire death benefit, and any person or persons partially dependent shall receive no part thereof, unless otherwise ordered by the commission.

2. If there is more than one such person wholly dependent for support upon a deceased employee, the death benefit shall be divided equally among them, unless otherwise ordered by the commission.

3. If there is more than one person partially dependent for support upon a deceased employee, and no person wholly dependent for support, the amount allowed as the death benefit shall be divided among the persons so partially dependent in proportion to the relative extent of their dependency, unless otherwise ordered by the commission.

Commission  
may  
apportion  
benefits.

(e) The death benefits shall be paid to such one or more of the dependents of the deceased, or to a trustee appointed by the commission, or a commissioner, for the benefit of the person or persons entitled, as may be determined by the commission, and the commission may, anything in this act contained to the contrary notwithstanding, apportion such benefits among the dependents in proportion to their respective needs and as may be just and equitable, and may order payment to a dependent subsequent in right, or not otherwise entitled, upon good cause being shown therefor. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply the same in compliance with the findings and directions of the commission. In the event of the death of any dependent beneficiary of any deceased employee, the unpaid death benefit shall be apportioned to the surviving dependents of such deceased employee, if any, as the commission may direct, but if there be no surviving dependent of such deceased employee the death of such dependent shall terminate the death benefit which shall not survive to the estate of such deceased dependent, unless otherwise provided by law.

In case of  
death of  
dependent  
beneficiary

SEC. 8. Section twenty of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 20. No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the injury which is claimed to have caused the disability or death, notice in writing, stating the name and the address of the person injured, the time and the place where the injury occurred, and the nature of the injury, and signed by the person injured or some one in his behalf, or in case of his death, by a dependent or some one in his behalf, shall be served upon the employer; *provided, however*, that actual knowledge of such injury on the part of such employer, or his managing agent or superintendent in charge of the work, upon which the injured employee was engaged at the time of the injury, shall be equivalent to such service; *and provided further*, that the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead or prejudice the employer, and that he was not in fact misled or prejudiced thereby.

SEC. 9. Section twenty-two of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 22. Upon filing with the commission by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right of liability arising out of, or incident thereto, jurisdiction over which is vested by this act in the commission, including any controversy relating to or arising out of the provisions of subsection (a) of section fifteen of this act, a time and place shall be fixed for the hearing thereof, which shall be not less than ten days nor more than forty days after the filing of such application. The person filing such application shall be known as the applicant and the adverse party shall be known as the defendant. A copy of said application, together with a notice of the time and place of hearing thereof, shall forthwith be served upon all adverse parties and may be served either as a summons in a civil action or in the same manner as any other notice that is authorized or required to be served under the provisions of this act. A notice of the time and place of hearing shall also be served upon the applicant.

SEC. 10. Section twenty-four of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 24. (a) No pleadings, other than the application and answer, shall be required. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission or commissioner or referee holding such hearing. Either party shall have the right to

be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as shall be pertinent under the pleadings, but the commission may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be made, or the time books and pay roll of the employer to be examined by any commissioner or any referee appointed by the commission, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken and the results of any such inspection or examination to be reported to the commission for its consideration.

Stipulation  
of facts

(b) The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the commission. The commission may thereupon make its findings and award based upon such stipulation, or may in its discretion set the matter down for hearing and take such further testimony or make such further investigations as may be necessary to enable it to completely determine the matter in controversy.

SEC. 11. Section twenty-five of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Findings  
and award.

Sec. 25. (a) After final hearing by the commission, it shall, within thirty days, make and file (1) its findings upon all facts involved in the controversy and (2) its award which shall state its determination as to the rights of the parties.

Compensa-  
tion

(b) The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid and order payment thereof during the continuance of such disability.

Nominal  
disability  
indemnity.

(c) If, in any proceeding under sections twelve to thirty-five, inclusive, of this act, it is proved that an injury has been suffered for which the employer would be liable to pay compensation if disability had resulted therefrom, but it is not proved that any incapacity had resulted, the commission may, instead of dismissing the application, award a nominal disability indemnity, if it appears that disability is likely to result at a future time.

Orders may  
be rescinded,  
altered or  
amended.

(d) The commission shall have continuing jurisdiction over all its orders, decisions and awards made and entered under the provisions of sections twelve to thirty-five, inclusive, of this act and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter or amend any such order, decision or award made by it upon good cause appearing therefor; *provided*, that no award of compensation shall be rescinded, altered or amended after two hundred forty-five weeks from the date of the injury. Any order, decision or award rescinding, altering or amending a prior order, decision or award shall have the same effect as is herein provided for original orders, decisions or awards.

SEC. 12. Section twenty-six of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 26. (a) Any party affected thereby may file a certified copy of the findings and award of the commission with the clerk of the superior court for any county, or city and county, and judgment must be entered by the clerk in conformity therewith immediately upon the filing of such findings and award. Findings may be filed with court

(b) The certified copy of the findings and award of the commission and a copy of the judgment shall constitute the judgment roll. The pleadings, all orders of the commission, its original findings and award, and all other papers or documents filed in the cause shall remain on file in the office of the commission. Judgment roll

(c) The commission, or any member thereof, may stay the execution of any judgment entered upon an award of the commission, upon good cause appearing therefor and upon such terms and conditions as may be imposed. A certified copy of such order shall be filed with the clerk entering such judgment. Stay of execution

(d) When a judgment is satisfied in fact, otherwise than upon an execution, the commission may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment to be made, and upon filing a certified copy of such order with the said clerk, he shall thereupon enter such satisfaction, and not otherwise. Satisfaction of judgment

SEC. 13. Section twenty-nine of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 29. (a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided. Assignment of claim

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation: Commission may allow attorney's fee, etc

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation or application filed therefor and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (a) of section fifteen hereof.

(3) The reasonable value of the living expenses of an injured employee, not exceeding sixty-five per cent of his weekly wages between the date of his injury and the payment of the disability indemnity or death benefit awarded; *provided*, that no such allowance shall be made while an injured employee is confined to a hospital for treatment as a part of such treatment.

(4) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

Notice to  
employer  
of lien.

(c) If notice in writing be given to the employer setting forth the nature and extent of any claim, that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments.

Claim for  
legal services  
limited

(d) No claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof or for the expense mentioned in paragraph (2) of said subsection (b); in excess of a reasonable amount shall be valid or binding in any respect, and it shall be competent for the commission to determine what constitutes such reasonable amount.

Claim for  
compensation  
given  
preference

(e) A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall have the same preference over the other unsecured debts of the employer as is given by law to claims for wages. Such preference shall be for the entire amount of compensation to be paid, but this section shall not impair the lien of any previous award.

SEC. 14. Section thirty of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Liability of  
principals

Sec. 30. The liability of principals and contractors for compensation under this act, when other than the immediate employer of the injured employee, shall be as follows:

(a) The principal, any general contractor and each intermediate contractor who undertakes to do, or contracts with another to do, or to have done, any work, shall be liable to pay to any employee injured while engaged in the execution of such work, or to his dependents in the event of his death, any compensation which the immediate employer is liable to pay.

Recovery  
from  
immediate  
employer.

(b) The person entitled to such compensation shall have the right to recover the same directly from his immediate employer, and in addition thereto the right to enforce in his own name, in the manner provided by this act, the liability for compensation imposed upon other persons by this section, either by making such other persons parties to the original application or by filing a separate application; *provided, however*, that payment in whole or in part of such compensation by either the immediate employer or other person shall, to the extent of such payment, be a bar to recovery against the other by any person entitled to such compensation.

Recovery  
from person  
primarily  
responsible

(c) When any person, other than the immediate employer, shall have paid any compensation for which he would not have been liable independently of this section, he shall, unless he caused the injury, be entitled to recover the full amount so paid from the person primarily liable therefor.

(d) The liability imposed by this section upon such principal, general contractor and intermediate contractor shall be subject to the following limitations: Limitation of liability of principal.

(1) Such liability shall exist only in cases where the injury occurred on or in or about the premises on which the principal, general contractor or intermediate contractor has undertaken to execute or to have executed any work, or when such premises or work are otherwise under his control or management.

(2) Such liability shall not exist in the event that the immediate employer, or other person primarily liable for the compensation shall, previous to the suffering of such injury, have taken out, and maintained in full force and effect, compensation insurance with any insurance carrier, covering his full liability for compensation to the injured person or his dependents.

(3) The commission may, in its discretion, order that execution against the principal, general contractor and any intermediate contractor, be stayed until execution against the immediate employer shall be returned unsatisfied.

SEC. 15. Section thirty-two of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 32. (a) No contract, rule or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to settle, subject to the provisions herein contained, any liability which may be claimed to exist under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such settlement or for which he, or his estate, shall, in the event of such settlement by him, be accountable to such dependents or any of them. No exemption by contract.

(b) The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment when subject to the provisions of this act, and no release of liability or settlement agreement shall be valid unless it provides for the payment of full compensation in accordance with the provisions of this act or unless it shall be approved by the commission. Measure of responsibility.

(c) A copy of any such release or settlement agreement signed by both parties shall forthwith be filed with the commission. When such release or settlement agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or settlement agreement. Release to be filed with commission

(d) Every such release or settlement agreement shall be in writing, duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section Execution of release

seventeen hereof, the nature of the disability, whether total or partial permanent or temporary, the amount paid or due and unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or settlement agreement the date of death, the name of the widow, if any, the names and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made.

SEC. 16. Section thirty-three of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Commission  
may  
commute  
compensa-  
tion to  
lump sum.

Sec. 33. (a) At the time of making its award or at any time thereafter the commission on its own motion, either with or without notice, or upon application of either party with due notice to the other, may in its discretion, commute the compensation payable under this act to a lump sum, if it appears that such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party, or that it will avoid undue expense or hardship to either party, or that the employer has sold or otherwise disposed of the greater part of his assets, or is about to do so, or that the employer is not a resident of this state, and the commission may order such compensation paid forthwith or at some future time.

Rules  
governing  
commuta-  
tion

(b) The amount of the commuted payment shall be determined in accordance with the following provisions:

(1) If the injury causes temporary disability, the commission shall estimate the probable duration thereof and the probable amount of the temporary disability indemnity payable therefor in accordance with the provisions of section fifteen hereof and shall fix the lump sum payment at such amount so determined.

(2) If the injury causes permanent disability or death, the commission shall fix the total amount of the permanent disability indemnity or death benefit payable therefor in accordance with the provisions of said section fifteen and shall estimate the present value thereof, assuming interest at the rate of six per cent per annum, disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a life pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

Payment  
direct or  
deposit in  
trust

(c) The commission in its discretion may order the lump sum payment, determined as hereinbefore provided, paid directly to the injured employee or to his dependents, or deposited with any savings bank or trust company authorized to transact business in this state, that will agree to accept the

same as a deposit bearing interest at not less than four per cent per annum, or the commission may order the same deposited with the state compensation insurance fund. Any such amount so deposited, together with all interest thereon, shall thereafter be held in trust for the injured employee, or in the event of his death, for his dependents, who shall have no further recourse against the employer. Payments from said fund, when so deposited, shall be made by the trustee only in the same amounts and at the same times as fixed by the order of the commission and until said fund and interest thereon shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the commission, to the choice of the injured employee or his dependents. Upon the making of such payment, the employer shall present to the commission a proper receipt evidencing the same, executed either by the injured employee or his dependents, or by the trustee, and the commission shall thereupon issue its certificate in proper form evidencing the same, and such certificate, upon filing with the clerk of the superior court in which any judgment upon an award may have been entered, shall operate as a satisfaction of said award and shall fully discharge the employer from any further liability on account thereof.

Payments from trust fund.

SEC. 17. Section thirty-four of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 34. (a) Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance or the right of the employer to insure in mutual or other companies, in whole or in part, against liability for the compensation provided for by this act; or, to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act; *provided, however,* that it shall be unlawful for any employer to exact or receive from any employee any contribution, or make or take any deduction from the earnings of any employee, either directly or indirectly, to cover the whole or any part of the cost of compensation under this act, and it shall be a misdemeanor so to do.

Mutual insurance companies not affected

(b) Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability

Compensation not affected by insurance

for such compensation; *provided, however*, that payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; *and provided, further*, that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Insurance carrier liable to employee

(c) Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act.

Employee has first lien on amount due employer

(d) Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employee, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing.

Insurance carrier may relieve employer of liability.

(e) 1. If the employer shall be insured against liability for compensation with any insurance carrier, and if after the suffering of any injury such insurance carrier shall serve or cause to be served upon any person claiming compensation against such employer a notice that it has assumed and agreed to pay the compensation, if any, for which the employer is liable, and shall file a copy of such notice with the commission, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, without notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution but shall be continued against such insurance carrier.

2. If at the time of the suffering of an injury for which compensation is claimed, or may be claimed, the employer shall be insured against liability for the full amount of compensation payable, or that may become payable, the employer may serve or cause to be served upon any person claiming compensation on account of the suffering of such injury and upon the insurance carrier a notice that the insurance carrier has in its policy contract or otherwise, assumed and agreed to pay the compensation, if any, for which the employer is liable, and may file a copy of such notice with the commission. If it shall hereafter appear to the satisfaction of the commission that the insurance carrier has, through the issuance of its contract of insurance or otherwise, assumed such liability for compensation, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, after notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution, but shall be continued against such insurance carrier.

Notice of employer of insurance carrier's liability

(f) Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have paid any compensation for which the employer was liable, or shall have assumed the liability of the employer therefor, it shall be subrogated to all rights and duties of the employer and may enforce any such rights in its own name.

insurance carrier subrogated to employer's rights

SEC. 18. Section thirty-six of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 36. There is hereby created and established a fund to be known as the "state compensation insurance fund," to be administered by the industrial accident commission of the state, without liability on the part of the state beyond the amount of said fund, for the purpose of insuring employers against liability for compensation under this act, and against the expense of defending any suit for damages under the optional provisions of section twelve hereof (subdivision b), and insuring to employees and other persons the compensation fixed by this act for employees and their dependents.

"State compensation insurance fund" created

SEC. 19. Section thirty-seven of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 37. (a) The state compensation insurance fund shall be a revolving fund and shall consist of such specific appropriations as the legislature may from time to time make or set aside for the use of such fund, all premiums received and paid into the said fund for compensation insurance issued, all property and securities acquired by and through the use of moneys belonging to said fund and all interest earned upon moneys belonging to said fund and deposited or invested, as herein provided.

Revolving fund.

Charges  
against fund

(b) Said fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of the salaries and other expenses to be charged against said fund in accordance with the provisions contained in this act.

Self-  
supporting

(c) Said fund shall, after a reasonable time during which it may establish a business, be fairly competitive with other insurance carriers, and it is the intent of the legislature that said fund shall ultimately become neither more nor less than self-supporting. In order that the state compensation insurance fund shall ultimately become neither more nor less than self-supporting, the actual loss experience and expense of the fund shall be ascertained on or about the first of January in each year for the year preceding, and should it then be shown that there exists an excess of assets over liabilities, such liabilities to include the necessary reserves, and a reasonable surplus for the catastrophe hazard, then, in the discretion of the commission, a cash dividend shall be declared to, or a credit allowed on the renewal premium of each employer who has been insured with the fund, such cash dividend or credit to be such an amount to which, as in the discretion of the commission, such employer may be entitled as the employer's proportion of divisible surplus.

Dividend for  
renewals

SEC. 20. Section forty-six of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Counties,  
etc., may  
insure

Sec. 46 Each county, city and county, city, school district or other public corporation or quasi-public corporation within the state not including, however, any public utility corporation, may insure against its liability for compensation with the state compensation insurance fund and not with any other insurance carrier unless such fund shall refuse to accept the risk when the application for insurance is made, and the premium therefor shall be a proper charge against the general fund of each such political subdivision of the state.

SEC. 21. Section forty-seven of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Schedules of  
rates to be  
furnished  
certain  
officers.

Sec. 47 When the premium rates for insurance in the state compensation insurance fund shall have been established the commission shall furnish schedules of rates and copies of the forms of policy to the commissioner of labor, to the clerk and to the treasurer of every county, city and county, and city in the state, and it shall be the duty of every public officer to whom the foregoing may be furnished to fill out and transmit to the manager of the state compensation insurance fund applications for compensation insurance in such fund and to receive and transmit to said manager all premiums paid on account of any policy issued or applied for, and for this service such officials may be allowed such commission or other compensation as the commission may from time to time direct.

SEC. 22 Section fifty-seven of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 57. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise:

(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

(5) To declare and prescribe the general form of industrial injury reports, the injuries to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the commission from requiring supplemental injury reports.

SEC. 23. Section seventy-one of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 71. (a) Every employer of labor without any exceptions, and every insurance carrier, and every physician or surgeon who attends any injured employee, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every injury to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation, to fail or refuse to comply with any of the provisions of this section, and any such person, firm, corporation, agent or officer of a firm or corporation, who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense and upon conviction thereof shall be punishable by a fine of not less than ten dollars nor more than one hundred dollars. Any such employer or insurance carrier

who shall furnish such report shall be exempt from furnishing any similar report or reports authorized or required under the laws of this state.

Answers to questions of commission.

(b) Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions a good and sufficient reason shall be given for such failure.

Information not open to public

(c) No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any information shall be guilty of a misdemeanor.

SEC. 24. Section seventy-two of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Commission to investigate all industrial injuries.

Sec. 72. (a) The commission shall investigate the cause of all industrial injuries occurring within the state in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place of employment, resulting in disability or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such injuries as may be just and reasonable, provided that neither the order nor the recommendation of the commission, nor any report of injury filed with the commission, shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

May enter places of employment

(b) For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provision made for the safety of employees, any member of the commission, inspector or other person designated by the commission for that purpose, may enter any place of employment.

Obstruction of investigation misdemeanor.

(c) Any employer, insurance carrier or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

SEC. 25. Section seventy-five of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 75. The commission shall have full power and authority:

Rules of practice.

(1) To adopt reasonable and proper rules of practice and procedure;

(2) To regulate and provide the manner, and by whom, minors and incompetent persons shall appear and be represented before it; Appearance of minors.

(3) To appoint a trustee or guardian ad litem to appear for and represent any such minor or incompetent upon such terms and conditions as it may deem proper, and such guardian or trustee must, if required by the commission or a commissioner, give a bond in the same form and of the same character required by law from a guardian appointed by the courts and in such an amount as the commission or a commissioner may fix and determine, such bond to be approved by the commission or a commissioner, and such guardian or trustee shall not be discharged from liability until he shall have filed an account with the commission or with the probate court and such account shall have been approved. The trustee or guardian shall be entitled to receive such compensation for his services as shall be fixed and allowed by the commission or by the probate court, Guardian ad litem

(4) To provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurance carrier, employee, dependent, creditor or otherwise; Joinder of persons

(5) To regulate and prescribe the kind and character of notices, where not otherwise prescribed by this act, and the service thereof; Notices.

(6) To regulate and prescribe the nature and extent of the proofs and evidence. Evidence.

SEC. 26. A new section is hereby added to said workmen's compensation, insurance and safety act, approved May 26, 1913, to be numbered section seventy-five *a*, and to read as follows:

See 75*a*. The commission shall have jurisdiction over all controversies arising out of injuries suffered without the territorial limits of this state in those cases where the injured employee is a resident of this state at the time of the injury and the contract of hire was made in this state and any such employee or his dependents shall be entitled to the compensation or death benefits provided by this act. Controversies over injuries suffered outside state

SEC. 27. Section seventy-six of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 76. (*a*) The commission may by order entered upon its minutes, upon the agreement of the parties, upon the application of either, or of its own motion, and either with or without notice, direct and order a reference in the following cases: Reference of cases

(1) To try any or all of the issues in any proceeding before it, whether of fact or of law, and to report a finding, order, decision or award to be based thereon.

(2) To ascertain a fact necessary to enable the commission to determine any proceeding before it or to make any order, decision or award that the commission is authorized to make under this act, or that is necessary for the information of the commission.

*Referees* (b) The commission may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer separate matters arising out of the same proceeding to different referees. It may also, in its discretion, appoint general referees who shall hold office during the pleasure of the commission. Any referee appointed by the commission shall have such powers, jurisdiction and authority as is granted under the law, by the order of appointment and by the rules of the commission and shall receive such salary or compensation for his services as may be fixed by the commission.

*Objection to referee* (c) Any party to the proceeding may object to the appointment of any person as referee upon any one or more of the grounds specified in section six hundred forty-one of the Code of Civil Procedure and such objection must be heard and disposed of by the commission. Affidavits may be read and witnesses examined as to such objections.

*Oath of referee* (d) Before entering upon his duties, the referee must be sworn before an officer authorized to administer oaths, faithfully and fairly to hear and determine the allegations and evidence of the parties in relation to the matters in the reference, and to make just findings and report according to his understanding.

*Referee's findings* (e) The referee must report his findings in writing to the commission within twenty days after the testimony is closed. Such report shall be made in the form prescribed by the commission and shall include all matters required to be included in the order of reference or by the rules of the commission. The facts found and conclusions of law must be separately stated.

*Action on report* (f) Upon the filing of the report of the referee, the commission may confirm, adopt, modify or set aside the same or any part thereof and may, either with or without further proceedings, and either with or without notice, enter its order, findings, decision or award based in whole or in part upon the report of the referee.

SEC. 28. Section seventy-seven of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

*Rules of procedure and of evidence* Sec. 77. (a) All hearings and investigations before the commission or any member thereof, or any referee appointed thereby, shall be governed by this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission nor any member thereof nor any referee appointed thereby shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award, rule or regulation made, approved or confirmed by the commission; nor shall any order, award, rule or regulation be invalidated because of the admission into the record, and use as proof of any fact in dispute, in the discretion of the commission, of any hearsay or testimony not competent to be admitted in a trial in court; *provided*, that such hearsay or testimony be or refer to the statements, written or oral, of

*Hearsay evidence*

a person who is dead or who can not after diligent search be found, and relate directly to the injury in question.

(b) The commission or any member thereof or any party to the action or proceeding may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts. Deposition of witnesses.

SEC. 29. Section eighty-one of said workmen's compensation, insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Sec. 31. (a) Any party or person aggrieved directly or indirectly by any final order, decision, award, rule or regulation of the commission, made or entered under any provision contained in this act, may apply to the commission for a rehearing in respect to any matters determined or covered by such final order, decision, award, rule or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise. Application for rehearing.

(b) No cause of action arising out of any such final order, decision or award shall accrue in any court to any person until and unless such person shall have made application for such rehearing, and such application shall have been granted or denied; *provided*, that nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, award, rule or regulation in the manner provided in this act. When cause of action accrues in court.

(c) Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, award, rule or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such rehearing shall be deemed to have finally waived all objections, irregularities and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing. Matter contained in application

(d) A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties, such application may be heard *ex parte* or the commission may require the application for rehearing to be served on such parties as may be designated by it. Service on adverse parties.

(e) Upon filing of an application for a rehearing, if the issues raised thereby have theretofore been adequately considered by the commission, it may determine the same by confirming without hearing its previous determination, or if Action on application.

a rehearing is necessary to determine the issues raised, or any one or more of such issues, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

Commission  
may modify  
original  
order

(f) If after such rehearing and a consideration of all the facts, including those arising since the making of the order, decision or award involved, the commission shall be of the opinion that the original order, decision or award or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order, decision or award made after such rehearing, abrogating, changing or modifying the original order, decision or award shall have the same force and effect as an original order, decision or award, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order, decision or award, unless so ordered by the commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing; *provided, however*, that the commission may upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

Application  
deemed  
denied.

#### CHAPTER 603.

*An act to amend that certain act of the legislature of the State of California, entitled "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," by amending sections one, three, eleven, fifteen, twenty, twenty-five, twenty-eight, thirty-two, thirty-six, thirty-seven, forty-six, forty-seven, forty-eight, forty-nine, fifty-six, sixty-one, sixty-one a, sixty-five, sixty-seven, sixty-eight, eighty, eighty-three, ninety-six, ninety-eight, ninety-nine, one hundred one, one hundred twenty-seven, one hundred forty-four and one hundred forty-five thereof and by adding new sections thereto to be numbered sections thirteen, fifty-seven and eighty-five, all relating to the definition and regulation of the business of banking.*

[Approved June 3, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

"Bank act"

SECTION 1. This act shall be known as the "bank act," and shall be applicable to all corporations specified in the next

section and to such other persons, associations, co-partnerships or corporations who shall, by violating any of its provisions, become subject to the penalties provided therein.

SEC. 2. Section three of said act is hereby amended to read as follows:

Sec. 3. Corporations may be organized by any number of natural persons, not less in any case than three, under the laws of this state to conduct, as provided in this act, and not otherwise, any one or more or all of the businesses mentioned in divisions (a), (b), and (c) of section two, of this act.

Three persons may form banking corporation

SEC. 3. Section eleven of said act is hereby amended to read as follows:

Sec. 11 The board of directors of a bank organized under the laws of this state must hold a meeting in its banking premises at least once a month. Each such director, when appointed or elected, shall take an oath that he will, as far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of shares of stock of the par value required by section ten of this act, subscribed by him or standing in his name on the books of the bank, and that the same to an amount equal to the par value of at least five hundred dollars, are not hypothecated or in any way pledged as security for any loan or debt. Such oath shall be subscribed by the director making it, certified by the officer before whom it is taken, and immediately transmitted to the superintendent of banks and filed and preserved in his office: *provided*, the managers or agents residing in this state, of a foreign corporation transacting any banking business in this state, shall take an oath that they will, as far as the duty devolves on them, diligently and honestly administer the affairs of such bank, and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank. Such oath shall be subscribed by the managers or agents taking it, certified by the officer before whom it is taken, and immediately transmitted to the superintendent of banks and filed and preserved in his office.

Meetings  
Oath of director

Agents of foreign corporations

SEC. 4. A new section is hereby added to said act, to be numbered thirteen, and to read as follows:

Sec. 13 Nothing in this act contained shall be deemed to prohibit any person or co-partnership or corporation or any telegraph company, express company or other common carrier from engaging in the business of buying or selling exchange or of issuing letters of credit: *providing*, such person, co-partnership, corporation, company or common carrier shall have received a license from the superintendent of banks to engage in such business. Such license may be issued upon application and the payment of a fee of fifty dollars and may be refused or revoked by the superintendent of banks at his discretion.

Business companies, etc., may issue letters of credit. License and fee.

SEC. 5. Section fifteen of said act is hereby amended to read as follows:

Unclaimed  
deposits.

Sec. 15. All amounts of money heretofore or hereafter deposited with any bank to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof, or the interest and which shall have remained unclaimed for more than twenty years after the date of such deposit, or withdrawal of any part of principal or interest, and where neither the depositor or any claimant has filed any notice with such bank showing his or her present residence, shall, with the increase and proceeds thereof, be deposited with the state treasurer after judgment in the manner provided in the Code of Civil Procedure. At the time of issuing the summons in the action provided for in section 1273 of the Code of Civil Procedure, the clerk shall also issue a notice signed by him, giving the title and number of said action, and referring to the complaint therein, and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint, and requiring them to appear within sixty days after the first publication of such summons, and show cause, if any they have, why the moneys involved in said action should not be deposited with the state treasurer as in said section provided, and notifying them that if they do not so appear and show cause, the state will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to and published with the copy of said summons required to be published by said section, and at the end of the copy of such notice so published there shall be a statement of the date of the first publication of said summons and notice. Any person interested may appear in said action and become a party thereto. Upon the completion of the publication of the summons and notice, and the service of the summons on the defendant bank, or banks, as in said section 1273 of the Code of Civil Procedure provided, the court shall have full and complete jurisdiction over the state, and the said deposits and of the person of everyone having or claiming any interest in the said deposits, or any of them, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate judgment thereon. The president or managing officer of every bank must, within fifteen days after the first day of January of every year, return to the superintendent of banks and to the state controller a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding twenty years. Such statement shall show in detail the following matters, viz:

Claimants to  
show cause.

Publication  
of summons  
and notice.

Jurisdiction  
of court.

Statement  
concerning  
unclaimed  
deposits

Matters  
shown in  
statement

*First*—The name and last known place of residence or post office address of the person making such deposit;

*Second*—The amount and date of such deposit and whether the same are in moneys or securities, and if the latter, the nature of the same;

*Third*—The interest due on such deposit, if any, and the amount thereof;

*Fourth*—The sum total of such deposit, together with the interest added thereto due from such bank on account of such deposit or deposits and the interest thereon to such depositor, but nothing contained herein shall require any corporation or person renting lock boxes or safes in vaults for storage purposes to open or report concerning property stored therein. Such reports itemized as aforesaid shall be signed by the person making the same and shall be sworn to before a person competent to administer oaths as a full, complete and truthful statement of each of the items therein contained.

The president or managing officer of every bank must, within fifteen days after the first day of January of every odd numbered year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding ten years. Such statements shall show the amount of the account, the depositor's last known place of residence or post office address, and the fact of death, if known to such president or managing officer. Such president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits.

Biennial statement of ten-year unclaimed deposits

This section does not apply to any deposit made by or in the name of a person known to the president or managing officer to be living. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section. If any president or managing officer of any bank neglects or refuses to make the sworn statements required by this section such bank shall forfeit to the State of California the sum of one hundred dollars a day for each day such default shall continue. Any president or managing officer of any bank who violates any of the provisions of this section shall forfeit to the State of California the sum of one hundred dollars a day for each and every day such violation shall continue. For the purposes of this section all deposits received by any bank under the provision of section thirty-one or section thirty-one *a* of this act shall be deemed to have been deposited with such bank at the time the deposit was made with the bank from which the deposit was transferred; *provided*, that any bank which shall make any deposit with the state treasurer in conformity with the provisions of this section shall not thereafter be liable to any person for the same and any action which may be brought by any person against any bank for moneys so deposited with the state treasurer shall be defended by the attorney general without cost to such bank.

Publication of statement

SEC. 6 Section twenty of said act is hereby amended to read as follows:

Penalty for violation

Sec. 20. Every commercial bank shall maintain total reserves against its aggregate deposits, exclusive of state, county and municipal deposits for the re-payment of which bonds have been deposited as security, as follows:

Transferred deposits

Sec. 20. Every commercial bank shall maintain total reserves against its aggregate deposits, exclusive of state, county and municipal deposits for the re-payment of which bonds have been deposited as security, as follows:

Total reserves of commercial banks

1. Eighteen per centum of such deposits if such bank has its principal place of business in a city having a population of one hundred thousand or over.

2. Fifteen per centum of such deposits, if such bank is located in a city having a population of fifty thousand or over and less than one hundred thousand.

3. Twelve per centum of such deposits if such bank is located elsewhere in the state.

How  
maintained

At least one-third of the total reserves shall be maintained as reserves on hand and shall consist of gold coin, gold bullion, United States gold certificates or United States notes; in addition thereto, at least one-sixth of the total reserves shall be maintained as reserves on hand and shall consist of gold coin, gold bullion, United States gold certificates, United States notes or any form of currency authorized by the laws of the United States, and the remainder of the total reserves required by the provisions of this section shall be maintained as reserves on deposit or as reserves on hand; such reserves on hand to consist of gold coin, gold bullion, United States gold certificates, United States notes or any form of currency authorized by the laws of the United States.

If member  
of federal  
reserve  
bank.

If any bank shall have become a member of a federal reserve bank, it may maintain as reserves on deposit with such federal reserve bank such portion of its total reserves as shall be required of members of such federal reserve bank.

Penalty for  
not  
maintaining  
reserves.

If any bank shall not maintain the total reserves required the superintendent of banks may impose a penalty upon it, based upon the length of time such encroachment upon its total reserves amounting to one per centum or more of its aggregate deposits shall continue, at the following rates:

1. At the rate of six per centum per annum upon any such encroachment not exceeding two per centum of such deposits.

2. At the rate of eight per centum per annum upon any additional encroachment in excess of two and not exceeding three per centum of such deposits.

3. At the rate of ten per centum per annum upon any additional encroachment in excess of three and not exceeding four per centum of such deposits.

4. At the rate of twelve per centum per annum upon any additional encroachment in excess of four per centum of such deposits.

Reserve  
deposi-  
taries.

The superintendent of banks shall, in his discretion, upon the nomination of any bank, designate a depository or depositories for the reserves on deposit of such bank provided for by this act. Except as otherwise provided in this section, such depository shall be a bank or national banking association located in this state. Every reserve depository, which has its principal place of business in a judicial township or in a city located in this state in which the population is less than fifty thousand, shall have at all times as its total reserves an amount equal to the total reserves required by the provisions of this section for every bank which has its principal place of business

in a city having a population of fifty thousand or over and less than one hundred thousand. But no bank or national banking association shall hereafter be designated as a depository of any such reserves unless it shall have a combined capital and surplus of not less than the following amounts:

Required capital and surplus of depository.

1. Two hundred fifty thousand dollars, if located in a city which has a population of three hundred thousand or over;

2. Two hundred thousand dollars, if located in a city which has a population of one hundred thousand or over and less than three hundred thousand;

3. One hundred fifty thousand dollars, if located in a city which has a population of fifty thousand or over and less than one hundred thousand;

4. One hundred thousand dollars, if located elsewhere in the state.

Such depository may also be a banking corporation with a capital and surplus of one million dollars or more, located in the cities of New York, Chicago, Boston, St. Louis, or Philadelphia.

Banks of New York, etc., may be depositories

If the total reserves of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its total reserves has been restored. The superintendent of banks may notify any bank whose total reserves shall be below the amount herein required, to restore such total reserves; and, if it shall fail for thirty days thereafter to restore such total reserves, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; *provided*, that all deposits of money herein permitted or required shall comply with the provisions of section forty-three of this act

Restoration of total reserves.

The term, "reserves on hand," when used in this act, means the reserves against deposits kept in the vault of any bank pursuant to the provisions of this act.

"Reserves on hand"

The term, "reserves on deposit," when used in this act, means the reserves against deposits maintained by any bank pursuant to this act in reserve depositories, or in a federal reserve bank of which such bank is a member, and not in excess of the amount authorized by this act.

"Reserves on deposit"

The term, "total reserves," when used in this act, means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this act.

"Total reserves."

The term, "reserve depository," when used in this act, means a bank, trust company or banking corporation designated by the superintendent of banks on the nomination of the depositing bank as a depository for reserves on deposit.

"Reserve depository."

SEC. 7. Section twenty-five of said act is hereby amended to read as follows:

Sec. 25. Every bank shall maintain for each department total reserves equal in amount to that required by this act for the respective business conducted, and shall keep separate

Total reserves for each department.

and distinct the total reserves of any department from that of any other department; and all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand. No department shall receive deposits from any other department of the same corporation; except that a trust department, in proper cases, may make deposits of trust or any other funds under its control with the savings department of the same corporation and may, upon order, previously obtained, of any court having jurisdiction of any trust or fund, make deposits of moneys belonging thereto with the commercial department of the same corporation; *provided, however,* that any bank having departments shall have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof, if such bonds, securities or loans are, under the provisions of this act, a legal investment for the department purchasing the same.

Transactions  
between  
departments

SEC. 8. Section twenty-eight of said act is hereby amended to read as follows:

Sec 28. Every bank in this state must, on all its window signs and in advertising, and on letterheads and other stationery on which its business is transacted, use the word "savings" if it conducts a savings business, or the word "trust" if it conducts a trust business, and the word "commercial" if it conducts a commercial business. Every bank, which maintains a branch office, must on all window signs and in advertising, and on letterheads and other stationery on which the business of said branch office is transacted, use in letters and type, equal in prominence to that used in its corporate name, the word "branch."

Signs must  
show kind  
of bank

"Branch."

SEC. 9. Section thirty-two of said act is hereby amended to read as follows:

Sec. 32. Any bank receiving trust funds in accordance with the provisions of this act relating to trust companies must not mingle such trust funds with the other assets of the corporation, except as otherwise provided in section twenty-five of this act, and such funds shall not be carried or counted as any part of the total reserves provided for in this act. The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony.

Trust  
funds

SEC. 10. Section thirty-six of said act is hereby amended to read as follows:

Sec 36. No commercial bank receiving deposits of money shall purchase or agree to purchase any bond issue in excess of five per centum of its assets, except bonds of the United States, of the State of California, of the counties, cities and counties, cities or school districts of this state, or bonds of any irrigation district such as are legal for investment by savings banks.

Purchase of  
bond issue by  
commercial  
banks

SEC. 11. Section thirty-seven of said act is hereby amended to read as follows:

Sec. 37. No bank shall purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within one year after such purchase or acquisition. Every person or corporation violating any provision of this section shall forfeit to the people of the state twice the nominal amount of such stock.

Investment  
in capital  
stock of  
corporations

SEC. 12. Section forty-six of said act is hereby amended to read as follows:

Sec. 46. No commercial bank shall invest or loan more than five per centum of its assets in any one bond issue, except bonds of the United States, of the State of California, of the counties, cities and counties, cities or school districts of this state, or bonds of any irrigation district such as are legal for investment by savings banks.

Investment  
in one bond  
issue

SEC. 13. Section forty-seven of said act is hereby amended to read as follows:

Sec 47. No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate, unless it is a first lien and is either

Loans on  
real estate

(1) Made for a period of time not exceeding six months and upon security worth at least fifteen per centum more than the amount loaned; or

(2) Made for a period of time exceeding six months and not exceeding ten years and does not exceed sixty per centum of the market value of the real estate taken as security.

No commercial bank shall loan in the aggregate more than thirty-five per centum of its assets on real estate loans of the character specified in subdivision two of this section. These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the re-payment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith when, in the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss.

SEC. 14. Section forty-eight of said act is hereby amended to read as follows:

National  
banks must  
permit  
examination

Sec. 48 Any national bank, in this state, other than a federal reserve bank, receiving the deposits of any bank organized and conducting business under this act, must, at the request of the superintendent of banks, submit to an examination by him, or his duly appointed examiners, should the superintendent of banks in his discretion deem it necessary or desirable that such examination be made; and the expense of such examination shall be paid by such depositary bank; and if any such bank shall refuse to permit such examination to be made by, or under the direction of, the superintendent of banks, then the superintendent of banks shall notify in writing every bank depositing its funds with such bank, to withdraw its deposits therefrom, and all such banks shall comply with such order.

SEC. 15. Section forty-nine of said act is hereby amended to read as follows:

Commercial  
banks  
may not  
advertise  
as savings  
banks

Sec. 49. It shall not be lawful for any commercial bank, individual, trust company, association, firm, stock company, co-partnership or corporation, to advertise or put forth a sign as a savings bank, or either directly or indirectly or in any way to solicit or receive deposits or to transact business in the way or manner of a savings bank, or to advertise that he or it is receiving or accepting savings, or in any way which might lead the public to believe that such deposits are received or invested under the same conditions or in the same manner as deposits in savings banks, except in the case of savings banks or banks having savings departments, subject to the provisions of this act. Any commercial bank, individual, trust company, association, firm, stock company, co-partnership or corporation, violating any provision of this section shall forfeit to this state one hundred dollars a day for every day during which such violation continues.

SEC. 16. Section fifty-six of said act is hereby amended to read as follows:

Banks may  
join  
national  
reserve  
association  
of the U. S.

Sec. 56. Any bank organized and existing under the laws of this state is hereby authorized and empowered to join or associate itself with any "national reserve association of the United States" or branch thereof, or any plan now or hereafter created or established by act of congress whether such banking or currency association or plan be created by congress under the above or any other name. Nothing in this act shall prohibit any such bank from joining or associating itself with any such association or plan or branch thereof nor from investing any part of its capital or surplus in the stock of such association, plan or branch thereof in accordance with the terms and provisions of such act of congress; *provided, however,* that such investment shall in no case exceed the minimum amount required to join or associate itself with such association, plan or branch thereof. Any bank joining or associating itself with such association, plan or branch thereof, shall have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member bank in

any such "national reserve association of the United States" or branch thereof. Such member bank and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of the "bank act."

SEC. 17. A new section is hereby added to said act, to be numbered fifty-seven, and to read as follows:

Sec. 57. Whenever in this act it is required that loans or investments shall be secured by a first lien on real estate, the lien of any tax, assessment or bond levied or issued by this state or by any county, city and county, city, town, municipality, school district, reclamation district, irrigation district or any other political or governmental subdivision of this state (not including bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property) and the lien of any assessment levied to pay such bonds shall not be deemed to be a prior encumbrance or lien on such real property unless an installment or call of such tax, assessment or bond shall be due and delinquent; and any bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property and any lien given to secure the payment of assessments or subscriptions to meet the requirements of any law of the United States in respect to any irrigation project of the United States in this state which may be levied, made or received by any corporation or association formed to carry out the objects and requirements of any such law of the United States shall not be deemed to be a prior encumbrance or lien on such real property if the lien given to secure such assessments and subscriptions taken with the loan or investment so secured shall amount to not more than sixty per centum of the market value of the land securing the same.

Loans secured by a first lien on real estate

SEC. 18. Section sixty-one of said act is hereby amended to read as follows:

Sec. 61. Any savings bank may purchase, hold and convey real or personal property as follows:

Purchase of real or personal property by savings banks

1 The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes necessary or proper to carry on its banking business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid up capital and surplus; and hereafter, the

money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

Limitations  
on purchase  
of personal  
property

No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, notes or bonds secured by trust deeds or mortgages on real estate, bonds, securities or evidences of indebtedness, public or private, gold or silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States. No savings bank shall purchase, own, hold or convey bonds, securities or evidences of indebtedness public or private, except as follows:

Purchase of  
bonds,  
securities,  
etc

(a) Bonds or interest bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest;

(c) Bonds of any state in the United States that has not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest;

(d) Bonds of any county, city and county, city or school district of this state; bonds of any permanent road division in any county issued in pursuance of the provisions of article IX of chapter II, title VI, part III of the Political Code; bonds of any sewer district, drainage district, reclamation district, protection district, or sanitary district organized under the laws of this state: and any irrigation district bonds which the law may now or hereafter authorize to be used as security for the deposit of public moneys; *provided*, that the total amount of bonds so issued by any such sewer district, drainage district, protection district or sanitary district, does not exceed fifteen per centum of the value of the taxable property in said district as shown by the last equalized assessment roll of the county in which said district is located; *and provided, further*, that the total amount of bonds issued by any such irrigation district does not exceed sixty per centum of the aggregate market value of the lands within such district, and of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned or to be acquired or constructed with the proceeds of any of such bonds, by said district, such facts in reference to bonds of irrigation districts to be determined by law now or hereafter authorized by law to ascertain

Sewer, etc.,  
bonds.

Limitations.

city and county, city or town, including such issue of bonds does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; *and provided, further*, that such county, city and county, city or town, or the state in which it is located has not defaulted in payment of either principal or interest due upon any legally authorized bond issue within five years next preceding such investment.

(f) (1) Bonds of any railroad corporation incorporated under the laws of the State of California and operating exclusively therein, provided said corporation has had net earnings for the period herein fixed amounting to at least one and one-fourth times the interest on all its outstanding mortgage indebtedness; or

Railroad  
bonds

(2) Bonds of any railroad corporation incorporated under the laws of any other state in the United States, operating at least five hundred miles of standard gauge track exclusive of sidings, provided said corporation has had net earnings for the period herein fixed amounting to at least one and one-half times the interest on all its outstanding mortgage indebtedness; or

(3) Bonds of any railroad corporation, the payment of which has been guaranteed, both as to principal and interest, by a railroad corporation meeting the requirements of either subdivision (1) or (2) of paragraph (f) of this section, provided that such guaranteeing corporation has had for the period herein fixed net earnings amounting to at least one and one-half times the interest on all its outstanding mortgage indebtedness and, in addition thereto, sufficient, taken with the earnings of all corporations whose bonds it has guaranteed, to qualify as investments for savings banks, as in this section provided, all such guaranteed bonds; *provided*, that the excess of income of any corporation whose bonds have been so guaranteed, over the amount required by this section for such corporation, shall not apply to or be included in determining the income so required. In determining the income of any corporation specified in paragraph (f) of subdivision 3 of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation or corporations, the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.

Guaranteed  
railroad  
bonds.

All bonds authorized for investment by paragraph (f) of subdivision 3 of this section must be secured by a mortgage or deed of trust which is, at the time of making such investment, either

Security

I. A closed first mortgage or deed of trust; or

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified

First  
mortgage

in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or

Refunding  
mortgage

III A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or

Trust deed  
on operating  
property.

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes, and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust, or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance charges, operating expenses, and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust: *provided, however*, that if the payment of the bonds secured by such underlying or divisional closed mortgage or deed of trust shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources shall equal the amount herein required, notwithstanding any insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or deed of trust to meet the requirements of this section.

No savings bank shall purchase the bonds of any railroad corporation deriving less than twenty per centum of its gross receipts from passenger revenues.

The term "railroad corporation" when used in paragraph (f) of subdivision 3 of this section shall have the meaning defined in the "public utilities act" approved December 23, 1911.

Public  
utility  
bonds

(g) Bonds of any street railroad corporation; or of any gas; water; pipe line; light; power; light and power; gas, light and power; electrical; telephone; telegraph; or telephone and telegraph corporation or of any other "public utility" incorporated under the laws of the State of California; and

(1) Operating exclusively in the State of California, provided said corporation has had, for the period herein fixed, net earnings amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or

(2) Operating its property in part within the State of California, provided said corporation has had, for each of its two fiscal years next preceding such investment, net earnings amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or

(3) The payment of which is guaranteed, both as to principal and interest, by a public utility corporation meeting the requirements of either subdivision (1) or (2) of paragraph (g) of this section, provided that such guaranteeing corporation has had for the period required in the respective subdivisions of this paragraph relating thereto, net earnings amounting to at least one and one-half times the interest on all of said guaranteeing corporation's outstanding mortgage indebtedness, and, in addition thereto, sufficient, taken with the earnings of all corporations whose bonds it has guaranteed, to qualify as investments for savings banks, as in this section provided, all such guaranteed bonds; *provided*, that the excess of income of any corporation whose bonds have been so guaranteed, over the amount required by this section for such corporation, shall not apply to or be included in determining the income so required.

Payment guaranteed

In determining the income of any corporation specified in paragraph (g) of subdivision 3 of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.

All bonds authorized for investment by paragraph (g) of subdivision 3 of this section must be secured by a mortgage or deed of trust which is at the time of making such investment; either

Security

I. A closed first mortgage or deed of trust; or

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements specified in the respective subdivisions of this paragraph applicable to such corporation after including the additional bonds then proposed to be issued; or

First mortgage

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or

Refunding mortgage

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the

Trust deed on operative property

case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation the owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust: *provided, however*, that if the payment of the bonds secured by such underlying or divisional closed mortgage or deed of trust shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources shall equal the amount herein required, notwithstanding any insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or deed of trust to meet the requirements of this section.

## Definitions.

The terms, "street railroad corporation," "pipe line corporation," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," and "public utility," when used in paragraph (g) of subdivision 3 of this section, shall each have the meaning defined in the "public utilities act" approved December 23, 1911.

## Notes secured by first mortgage

(h) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further*, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security.

## Market value of oil and timber lands.

In determining the market value of any real estate under the provisions of paragraph (h) subdivision 3 of this section where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value.

## Collateral trust bonds

(i) Collateral trust bonds or notes when secured by either:

- (1) Deposit of bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or
- (2) Deposit of bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of

said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(3) Deposit of any notes or bonds authorized for investment by this section and other securities of a combined market value of at least thirty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of such collateral trust bonds or notes issued shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section; *provided, further*, that the collateral pledged consist of bonds authorized for investment by this section of the market value of at least seventy-five per centum of the par value of such collateral trust bonds or notes issued.

(j) Bonds legal for investment by savings banks in the states of New York or Massachusetts; *provided, however*, that as to bonds of the character specified in paragraph (c) or (e) of subdivision 3 of this section, such bonds shall also conform to the requirements of either of such paragraphs.

Legal investment in New York or Massachusetts

(k) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter VIII of title II of part IV of division first of the Civil Code.

Guaranteed payment

“Net earnings” as used in this section shall be deemed to mean the amount remaining after deducting from the gross earnings all taxes, maintenance charges and operating expenses except depreciation charges, sinking fund charges and interest on indebtedness.

“Net earnings.”

Unless herein otherwise expressly provided the period for which any corporation must have “net earnings” sufficient to qualify its bonds as an investment for savings banks under this section shall be either the fiscal year of such corporation next preceding the investment therein by any savings bank or twelve consecutive months in the fourteen months next preceding such investment.

No notes, bonds, or other securities shall be deemed to come within or conform to the requirements of either of paragraphs (f), (g) or (i) of subdivision 3 of this section, unless such notes, bonds or other securities shall, in the manner provided in this act, have been certified by the superintendent of banks to come within and fully conform to the requirements of one or the other of said paragraphs; *provided, however*, that notes, bonds or other securities, the payment of which is secured by any mortgage or deed of trust executed on or before September 1, 1913, and now owned by any savings bank in this state, if otherwise in full conformity with the requirements of this section, need not be so certified by the superintendent of banks, in order to be legal as investments for savings banks.

Bonds, etc. certified by superintendent of banks

Legality of previous investments not affected.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Investment value of bonds.

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine; or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity.

Bonds of public utilities

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

(a) Issued prior to the taking effect of the "public utilities act," or

(b) Issued under authority of the railroad commission, in accordance with the provisions of said act; or

(c) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section fifty-two of said act.

State does not guarantee validity of bonds.

No provision of this act, and no act, or deed, done or performed under or in connection therewith, and no finding made or certificate issued under any provision thereof, shall be held or construed to obligate the State of California to pay, or be liable for the payment of, or to guarantee in any manner whatsoever, the regularity or the validity of the issuance of any stock or bond certificate, or bond, note, or other evidence of indebtedness certified under any provision of this act, by the superintendent of banks, as being in conformity with the requirements of any paragraph of subdivision 3 of this section.

Advertisement of bonds as legal investments

It shall not be lawful for any individual, firm, association, bank, trust company, stock company, co-partnership or corporation to advertise by newspaper or circular or in any other manner that any bonds are legal investments for savings banks in this state or to use any advertisement which might lead the public to believe that any bonds conform to the requirements of law relating to investments by savings banks unless such bonds are such as are specified in paragraph

(a), (b), (c), (d), (e), (j), or (k) of subdivision 3 of this section or shall, in the manner provided in this act, have been certified by the superintendent of banks to come within and fully conform to the requirements of one or the other of paragraphs (f), (g), (h), or (i) of subdivision 3 of this section or unless such advertisement shall have been approved in writing by the superintendent of banks prior to publishing, circulating or otherwise issuing the same. Any individual, firm, association, bank, trust company, stock company, co-partnership or corporation who shall advertise any bonds in violation of the provisions of this paragraph shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year or by both such fine and imprisonment.

SEC. 19. Section sixty-one a of said act is hereby amended to read as follows:

Sec. 61a. The superintendent of banks shall have power, when any issue of bonds or securities is presented to him for that purpose, to investigate and ascertain whether such bonds or securities come within and fully conform to all the requirements of paragraphs (f), (g), (h), or (i) of subdivision 3 of section sixty-one of this act, or of either of said paragraphs. He may also investigate and ascertain for what period of time, and upon what conditions, any franchise granted to or held by any corporation issuing any such bonds or securities will remain in force, and any other facts or conditions bearing upon the value or sufficiency of such bonds. The actual expense of investigating any issue of bonds or securities so presented shall be paid by the person or corporation presenting the same for investigation, and the superintendent of banks, before making such investigation, may require a cash deposit of such amount as he may deem necessary to cover such expense. The superintendent of banks may accept and act upon the opinions and appraisements of any attorneys or appraisers which may be presented by such person or corporation so applying, and the reports of any of the executive officers of the corporation issuing such bonds or securities, on any question of fact concerning or affecting such bonds or securities, the security thereof, the franchise conditions herein mentioned, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, appraisers or accountants of his own selection at the expense of the applicant. If the superintendent of banks shall find from such investigation that the bonds or securities so presented come within and fully conform to all the requirements of any of said paragraphs of subdivision 3 of section sixty-one of this act, and is satisfied from such investigation as to such franchise conditions, he shall so certify unless for any reason he shall be of the opinion

Superintendent of banks may investigate bonds

Expenses.

Opinions of attorneys

Certified  
bonds  
deemed legal  
investments.

that such bonds are not a safe or proper investment for savings banks, and in such event or if such bonds shall fail to meet the requirements of this act such certificate must be refused. Any bonds certified by the superintendent of banks as in this section provided shall thereafter be deemed to be legal as investments for savings banks until three months after the end of the then current fiscal year of such corporation unless for any reason the superintendent of banks shall have revoked such certificate and during such time but not thereafter bonds so certified may be purchased by savings banks without further certification. The superintendent of banks shall keep an official list of all bonds and securities certified by him.

SEC. 20. Section sixty-five of said act is hereby amended to read as follows:

No loan to  
officer

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of a majority of all the directors of such savings bank and the affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however*, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer, or director of the corporation to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. No loan may be made to any corporation, a majority of the stock of which is owned or controlled by any one or more of the directors or officers of such savings bank, except with the previous consent of the superintendent of banks.

Record of  
loan

Loans to  
employee

A loan may be made to any agent or employee, other than an officer or director, of any savings bank by such bank upon authorization of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however*, that such loan shall in all respects conform to and

comply with all other provisions of this act. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. Any officer or director of any savings bank, who knowingly procures a loan from such savings bank, contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank, to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Record of loan

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Section not applicable to religious corporations

SEC. 21. Section sixty-seven of said act is hereby amended to read as follows:

Sec 67. 1. No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years. No such loan shall be made on unsecured notes: *provided*, that a savings bank may, under such conditions and regulations as the superintendent of banks may prescribe, discount or purchase commercial paper of the kind and character made eligible under the federal reserve act and the then current regulation of the federal reserve board for re-discount or for purchase in the open market by a federal reserve bank; *provided, however*, that no savings bank shall at any time acquire by discount or purchase an amount of such commercial paper greater than five per centum of its deposits nor shall any savings bank acquire, directly or indirectly, by discount or purchase, any such commercial paper of or from any person, firm, co-partnership or corporation in an amount which shall exceed five per centum of the capital and surplus of such bank.

Loans not on loans

2. No savings bank shall invest or loan an amount greater than fifty per centum of its actual paid up capital and surplus on any one bond issue of the class specified in paragraph (h) of subdivision 3 of section sixty-one of this act, nor more than five per centum of its assets on any one bond issue of any other class, except bonds of the United States, of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of

Loans on bonds.

any county, city and county, city or school district in this state, or bonds of any irrigation district such as are legal for investment by savings banks.

3. No savings bank shall loan money:

(a) On bonds of the character specified in paragraphs (a), (b), (c), and (d) of subdivision 3 of section sixty-one of this act, unless such bonds shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(b) On bonds of the character specified in paragraphs (e), (f) and (g) or on bonds or notes of the character specified in paragraph (i) of subdivision 3 of section sixty-one of this act, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(c) On bonds legal for investment by savings banks in the states of New York or Massachusetts, unless such bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(d) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,

(e) On other bonds, or on the capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; *provided, however,* that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

Loans on  
real estate.

4. No savings bank shall make any loan on the security of real estate, except it be a first lien, and in no event to exceed sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank; *provided,* that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; *and provided, also,* that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; *provided, further,* that a savings bank may loan not to exceed ninety per centum of the face value of a note or bond secured by a first mortgage or deed of trust on real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust

Loans on  
capital  
stock of  
corporations.

5. No savings bank shall loan to any one borrower on the security of the capital stock of any corporation an amount exceeding ten per centum of the capital stock and surplus of such savings bank; *provided,* that all loans on the capital stock of any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of

such savings bank. No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors. or any part of either, in mining shares or stock.

No loans on mining stock

Any president or managing officer who knowingly consents to a violation of any provision of this section shall be guilty of a felony.

Sec. 22. Section sixty-eight of said act is hereby amended to read as follows:

Sec. 68. Every savings bank or savings department of a bank, shall at all times maintain total reserves equivalent to five per centum of the aggregate amount of its deposits; at least two and one-half per centum of such deposits shall be maintained as reserves on hand, one-half of which shall consist of gold coin, gold bullion, United States gold certificates or United States notes and one-half of which shall consist of gold coin, gold bullion, United States gold certificates, United States notes or any other form of currency authorized by the laws of the United States and two and one-half per centum of such deposits may be maintained as reserves on hand and may consist of bonds of the United States or of gold coin, gold bullion, United States gold certificates, United States notes or any other form of currency authorized by the laws of the United States or may be maintained as reserves on deposit subject to call with any reserve depository provided for in section twenty of this act; *provided, however*, that no savings bank or savings department shall be required to maintain reserves on hand in excess of four hundred thousand dollars, and when such reserves on hand reach that amount, the balance of total reserves necessary to make up the five per centum may be kept as reserves on deposit subject to call with any reserve depository provided for in section twenty of this act. No new loan shall be made during any deficiency in the total reserves. Deposits with any commercial bank, or commercial department of a bank, on open account, as provided in this section, shall be permitted, and shall not be construed as loans. Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all other banks, except with the consent of the superintendent of banks. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the reserves on deposit of such depositing bank; *provided*, that the sum so deposited shall not exceed ten thousand dollars

Total reserves of savings banks.

Deposits with commercial banks.

SEC. 23. Section eighty of said act is hereby amended to read as follows:

Sec. 80. No commercial bank shall make any loans, directly or indirectly, to any person, firm, co-partnership or corporation, in an amount which, including therein any extension of credit to such person, firm, co-partnership or corporation, by

Loans of commercial banks.

means of letters of credit, or by acceptance of drafts for, or the discount or purchase of the notes, bills of exchange or other obligations of, such person, firm, co-partnership or corporation, shall exceed the following percentage of its capital and surplus:

Without  
security

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan, or,

With  
security.

2. Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; *provided*, the total amount which can be loaned under subdivisions one and two hereof can not exceed twenty-five per centum in all; *provided, however*, that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; *provided, however*, that when secured loans to this amount or any amount in excess of fifteen per centum are made, then no unsecured loans shall be permitted in addition to such secured loans; or,

4. Forty per centum, provided such loans are upon commercial or business paper actually owned by the person negotiating the same to such bank, and are endorsed by such person without limitation; *provided, however*, that in addition to the amounts permitted to be loaned by subdivisions one, two or three of this section, an amount may be loaned on the securities fixed by subdivision four of this section, which taken with the amounts so permitted by said subdivisions one, two or three will not exceed forty per centum; *provided, also*, that the restrictions under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values; *provided, further*, that any commercial bank, having first obtained in writing the consent of the superintendent of banks so to do and under such conditions and regulations as may be prescribed by him, may accept drafts or bills of exchange drawn upon it running

Restrictions  
not  
applicable  
to bills of  
exchange,  
etc

for a period not longer than six months, but no commercial bank shall accept such drafts or bills of exchange in an amount greater at any time in the outstanding aggregate than one-half of its capital and surplus; but such acceptance or acceptances must be drawn by a person, firm, co-partnership or corporation engaged in agricultural, industrial or commercial business directly connected with the production, manufacture, purchase, sale or consignment of the goods involved in the transaction in which the acceptance originated; *provided, however,* that no such acceptance or acceptances to any one person, firm, co-partnership or corporation shall exceed ten per centum of the capital and surplus of such bank.

In computing the total liabilities of any person to a commercial bank there shall be included all liabilities to the bank of any co-partnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such co-partnership or unincorporated association; of any firm, co-partnership or unincorporated association to a commercial bank there shall be included all liabilities of its individual members and all loans made for the benefit of such co-partnership or unincorporated association or any member thereof; and of any corporation to a commercial bank there shall be included all loans made for the benefit of the corporation.

Computation of liabilities to a commercial bank.

Sec. 24. Section eighty-three of said act is hereby amended to read as follows:

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided,* that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent or employee, other than an officer, or to any firm, co-partnership or corporation of which any director, agent or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, co-partnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee, other than an officer, or to any firm, co-partnership or corporation in which any director, agent, or other

Loans to officers, etc.

Credit to directors, etc.

employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months, be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or act on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, co-partnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent or employee, obtaining such loan, or the name of the firm, co-partnership or corporation in which such director, agent or employee is interested or the name of the corporation, of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee, obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same are made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank, to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Particulars  
of loan  
reported

Penalty

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers but in which they have no financial interest.

Not applicable to religious corporations

SEC. 25. A new section is hereby added to said act, to be numbered eighty-five, and to read as follows:

Sec. 85. The superintendent of banks shall have power to limit the amount of funds that may be deposited by any commercial bank with any other commercial bank.

Limitation on funds deposited by commercial bank.

SEC. 26. Section ninety-six of said act is hereby amended to read as follows:

Sec. 96. Any such trust company, if its principal place of business is situated in a city the population of which does not exceed one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the state treasurer, as herein provided, at least fifty thousand dollars as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the state treasurer at least fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and whenever any such trust company shall under the provisions of section ninety-eight of this act be required to make the first additional deposit of securities with the state treasurer such trust company must also deposit with the state treasurer an additional fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and any trust company if its principal place of business is situated in a city the population of which exceeds one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the state treasurer, as herein provided at least one hundred thousand dollars, as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the state treasurer at least one hundred thousand dollars as security for the faithful performance and execution of all private trusts accepted by it. Any such deposit may be made either in lawful money of the United States, or in securities of either or any of the following classes:

Security deposit with state treasurer.

Securities acceptable.

(a) Bonds issued by the United States or by this state or by any county, city and county, city or school district of this state, or bonds of any irrigation district such as are legal for investment by savings banks;

(b) Bonds for the payment of which the faith and credit of the United States or of this state are pledged;

(c) Notes or bonds secured by mortgage or deed of trust constituting a first lien on improved and productive real estate in the State of California; such improved real estate being worth at least double the amount of such lien.

(d) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insur-

ance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter VIII of title II of part IV of division first of the Civil Code; *provided*, that such notes or bonds shall constitute, and such mortgage participation certificates shall evidence the ownership of, or participation in, notes or bonds which constitute, a first lien on improved and productive real estate in the State of California, such improved real estate being worth at least double the amount of such lien.

Approval by  
superintendent  
of  
banks.

Such money or securities shall be first approved by the superintendent of banks and, upon his written order, deposited with the state treasurer for the respective purposes herein specified, and said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this act, shall hold such deposits of money or securities separately, each for the sole benefit of the beneficiaries of the class of trust business, for the security and protection of which the same was deposited, and said treasurer shall give his receipt therefor and the state shall be responsible for the custody and safe return of any money or securities so deposited. Said securities or money so deposited may with the approval of the superintendent of banks, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid, and so long as the trust company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the state treasurer to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds by said state treasurer, only on the order of a court of competent jurisdiction and for the benefit respectively of the beneficiaries of that class of trust business for the security and protection of which the same were deposited.

Exchange of  
securities.

SEC. 27. Section ninety-eight of said act is hereby amended to read as follows:

When trust  
funds  
amount to  
\$500,000.

Sec 98 Whenever any trust company, the principal place of business of which is located in a city the population of which does not exceed one hundred thousand persons, receives from court trusts accepted by it, trust funds, as herein defined, to the amount of five hundred thousand dollars, it shall forthwith notify in writing the superintendent of banks of such fact, and within thirty days thereafter shall deposit with the state treasurer additional money or securities of the character mentioned, and defined in section ninety-six of this act, approved as therein provided, in the amount of fifty thousand dollars; and whenever any trust company receives from court trusts such funds to the amount of one million dollars it shall further notify in writing the superintendent of banks of such fact and within thirty days thereafter shall deposit with the state treasurer additional money or securities of the character mentioned and defined in section ninety-six of this act, approved as therein provided, in the amount of fifty thousand dollars; and for each additional five hundred thousand dollars of

When trust  
funds  
amount to  
\$1,000,000

such trust funds thereafter received by any trust company from court trusts a similar notification in writing shall forthwith be given to the superintendent of banks, and a further deposit in the amount of twenty-five thousand dollars of such money or securities, or of securities provided for in section ninety-seven of this act likewise approved, shall be made, within thirty days thereafter, by such trust company with said state treasurer, until five hundred thousand dollars of such securities have been so deposited; and for each additional one million dollars of such trust funds thereafter received by any trust company from court trusts a similar notification in writing shall forthwith be given to the superintendent of banks, and a further deposit in the amount of twenty-five thousand dollars of such money or securities, or of securities provided for in section ninety-seven of this act likewise approved, shall be made, within thirty days thereafter, by such trust company with said state treasurer. The treasurer shall give his receipt for any money or securities so deposited and each and all of such deposits of money or securities, shall be held by said state treasurer for the sole benefit of the beneficiaries of the class of business for the security and protection of which same were deposited. The state shall be responsible for the custody and safe return of any money or securities so deposited with said state treasurer. The term "trust funds" when used in this section shall be deemed to mean and shall mean personal property and cash, whether received with the original trust property or as rent, income or proceeds thereof, or otherwise, in connection with the trust, and shall not be deemed to include and shall not include real property. Any trust company failing to comply with the provisions of this section shall forfeit to the State of California one hundred dollars a day for each day during which such failure or default shall continue. Upon making a request in writing to the superintendent of banks, any such trust company shall be entitled to withdraw from the state treasurer, from time to time, a sufficient amount of such securities so that at all times the amount of such securities so deposited shall conform to the requirements of this act, and so that at no time shall such trust company be required to have on deposit with the state treasurer an amount of securities in excess of the requirements of this act. Upon receiving such request in writing, and satisfactory proof of the facts warranting such withdrawal, it shall be the duty of the superintendent of banks to forthwith deliver to the state treasurer a written order directing the withdrawal of said securities so as to conform with the provisions of this section, and it shall be the duty of the state treasurer to comply with such written order. The validity or legality of any act or proceeding done or taken by any such trust company, relating to or in connection with the administration of any such trusts, shall not be affected or impaired by the neglect or failure of such trust company, or of any officer or employee

Treasurer's receipt.

"Trust funds" defined.

Penalty.

Withdrawal of securities.

Validity of act.

thereof, to comply with any of the provisions of this act, but all such acts and proceedings done or taken prior to the revocation of its certificate of authority to do such business by the superintendent of banks, under the provisions of this act, or the revocation by any court or judge thereof of the appointment, order or decree theretofore entered in such trust matter shall be as valid and effective for all purposes as if any such neglect or failure had not occurred.

SEC. 28. Section ninety-nine of said act is hereby amended to read as follows:

Securities accompanied by policy of mortgage insurance or abstract of title.

Sec. 99. When any part of the securities so deposited with the state treasurer consists of notes, bonds or participation certificates secured by mortgage or deed of trust, it shall be accompanied by a policy of mortgage insurance or a complete abstract of title or an unlimited certificate of title or a policy of title insurance prepared or issued by a person, company or corporation designated or approved by the superintendent of banks and authorized by law or otherwise found by the superintendent of banks to be competent to issue such evidence of title, which shall be examined and approved by or under the direction of said superintendent of banks. The fees for an examination of such policy or evidence of title by counsel to be paid by the trust company making the deposit shall not exceed twenty dollars for each policy or title examined, and the fee for each appraiser, not exceeding two, shall not exceed five dollars for each mortgage or deed of trust.

Fees

SEC. 29. Section one hundred one of said act is hereby amended to read as follows:

Classification of trusts.

Sec. 101. For the purposes of this act, all trusts permitted to be accepted or executed by any such trust company, under any provision of this act are hereby classified and defined as either:

- (a) Court trusts; or
- (b) Private trusts

Court trust.

A court trust is one in which any such trust company acts under appointment, order or decree of any court, as executor, administrator, guardian, assignee, receiver, depository or trustee, or in which it receives on deposit from a public administrator, under any provision of this act, or from any executor, administrator, guardian, assignee, receiver, depository or trustee, under any order or decree of any court, money or property.

Private trust.

Any other trust is a private trust; *provided*, that the creator of any private trust of which a trust company shall be made, or at any time come to be, the trustee, may, at the time of the creation of such trust, or the creator of any such private trust, or his successors in interest, and the beneficiaries thereof may, at any time, by their joint consent, direct that such trust shall be subject to and entitled to the benefit of all of the provisions of this act relating to court trusts and thereafter such

trust shall for all the purposes of this act be deemed to be a court trust and wherever in this act the words "court trust" are used they shall be deemed to include private trusts which are subject to supervision except in so far as any of the provisions of this act relating to court trusts may, by their nature, be inapplicable to such private trust. Such direction shall be in writing addressed to the trustee and a copy thereof, certified by the trustee, delivered to the superintendent of banks.

When "court trust" deemed to include private trusts

In case such direction shall be made after the acceptance of the trust, the trustee shall have the right to resign as such and a new trustee shall be appointed as provided in the trust instrument or by law. The inspection and supervision of the superintendent of banks shall extend only to court trusts as herein defined and to private trusts subjected to the provisions of this act relating to court trusts as above provided.

Inspection and supervision.

Private trusts, except as in this section provided, shall not be subject to the inspection or supervision of the superintendent of banks, his attorneys, examiners or other assistants.

In making the reports to the superintendent of banks required by this act, every trust company shall, in addition to the other facts to be reported by it, furnish only a list and brief description of the court trusts and private trusts, which are subject to supervision, held by it, the source of appointment thereto, the authority by which the appointment or deposit was made, and the amount of real or personal property held by such trust company by virtue thereof.

Additional matters in reports to superintendent of banks

Nothing in this act contained shall make it unlawful for any person or corporation not subject to the supervision of the superintendent of banks to engage in the business of receiving and holding in escrow money or its equivalent pending investment in real estate or securities for or on account of his or its principal, or of acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money, other than corporation bonds.

Receiving money in escrow

SEC. 30. Section one hundred twenty-seven of said act is hereby amended to read as follows:

Sec. 127. When any number of persons desire to organize a corporation to conduct any one or more or all of the businesses mentioned in divisions (a), (b), and (c) of section two of this act or to circulate stock subscription lists for any such proposed corporation the previous written consent of the superintendent of banks to such proposed organization must be obtained. No bank shall transact any business in this state without the written approval of the superintendent of banks, and without his written certificate stating that it has complied with the provisions of this act, and all the requirements of law, and that it is authorized to transact, within this state, the business specified therein; which certificate may be withheld by the superintendent of banks whenever he has reason to believe that the bank is being formed for any other than the legitimate objects contemplated by this act, or whenever he has reason to believe that the public convenience and advantage will not be

Written consent for organizing banks.

Certificate to transact business.

promoted by the opening of such bank, or whenever he has reason to believe that the corporate name assumed by such bank resembles, so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this state. Before issuing such certificate the superintendent of banks shall examine, or cause an examination to be made, in order to ascertain whether the requisite capital of such bank has been paid up in cash or the requisite reserve or surplus fund has been accumulated. The superintendent of banks shall not authorize such bank to commence business until it appears from such examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in, in cash, or that the requisite surplus or reserve fund has been accumulated or paid in, in cash, and until said bank shall have paid a fee of fifty dollars for each department to be operated by said bank.

Examination  
of capital,  
etc.

Fee

SEC. 31. Section one hundred forty-four of said act is hereby amended to read as follows:

Action for  
recovering  
forfeitures.

SEC. 144. Whenever by the terms of this act a penalty or forfeiture is imposed, the same shall be recovered in an action brought at the request of the superintendent of banks by the attorney general, in the name of the people of the state, and the sum recovered shall be paid into the state banking fund and used in payment of claims against the said fund. Any fine or pecuniary penalty, which may be incurred by any bank on account of the violation of any provision of this act, may be compromised and a less amount than that prescribed by this act accepted by the superintendent of banks at any time prior to the institution of action to recover the same.

Fines may be  
compromised

SEC. 32. Section one hundred forty-five of said act is hereby amended to read as follows:

Powers, etc.,  
abridged,  
enlarged or  
modified

SEC. 145. The powers, privileges, duties and restrictions conferred and imposed upon any corporation or individual existing and doing business under the laws of this state are hereby abridged, enlarged or modified as each particular case may require to conform to the provisions of this act notwithstanding anything to the contrary in their respective articles of incorporation or charters. All the provisions of this act shall apply with equal force and effect to all corporations which are now doing or which may hereafter do a banking business in this state, except where express exception or exemption may be made herein, and to such other persons, associations, co-partnerships or corporations who shall, by violating any of its provisions, become subject to the penalties provided herein. The legality of investments heretofore made, or title to property heretofore acquired or conveyed through transactions heretofore had by any bank pursuant to any provision of law in force when such investments were made or transactions had, shall not be affected by the provisions of this act, except that any such investments made prior to July 1, 1909, when not complying with the provisions hereof, shall be changed to conform hereto; but such change shall be made gradually and in

such manner as to prevent loss or embarrassment in the business of such bank, or unnecessary loss or injury to the borrowers on such security; *provided, further*, that in any event, all investments and securities and excess in investments made prior to July 1, 1909, which are not in conformity with the provisions and spirit of this act and which have been acquired and are now held by any bank, must be written off as assets of such bank prior to July 1, 1918; and no bank holding any such investments or securities acquired prior to July 1, 1909, shall, after July 1, 1918, be permitted to pay any dividends to its stockholders until it shall have written off all such non-conforming investments or securities; *and provided, further*, that the legality of any investments heretofore lawfully made, pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section.

Conformity  
by July 1,  
1918

CHAPTER 609.

*An act to amend section three of an act entitled "An act to define investment companies, investment brokers, and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of commissioner of corporations, and making an appropriation therefor," approved May 28, 1913.*

[Approved June 3, 1915. In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section three of an act of the people of the State of California entitled "An act to define investment companies, investment brokers, and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of commissioner of corporations, and making an appropriation therefor," approved May 28, 1913, is hereby amended so as to read as follows:

Sec. 3. This act shall not apply to corporations, associations, copartnerships, companies, firms and individuals now or hereafter subject to the jurisdiction or authority of the railroad commission, nor to corporations now or hereafter organized under the laws of this state for the purpose of conducting the business of banking within this state, nor to corporations, associations, copartnerships, companies, firms and individuals after they have secured from the insurance commissioner or the bureau of building and loan supervision a certificate of authority or license to do business within this state, nor to corporations, associations, copartnerships or companies, subject to federal regulation or not organized for profit, nor to

Act not  
applicable  
to certain  
corporations

mutual water companies and irrigation districts, nor to the stocks, stock certificates, bonds or other evidences of indebtedness of such corporations, associations, copartnerships, companies, firms or individuals.

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CHAPTER 610.

*An act to amend section two hundred ninety a of the Civil Code of the State of California relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee or to engage in the business of banking.*

[Approved June 3, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred ninety a of the Civil Code of the State of California, is hereby amended to read as follows:

Affidavit of  
corporations  
authorized  
to act as  
executors,  
etc.

290a. Before the secretary of state issues any certificate of incorporation to any corporation, authorized in its articles of incorporation to conduct the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository, or trustee under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, and before he files any amended articles of incorporation authorizing such purposes if the principal place of business of such corporation is in a city of which the population does not exceed one hundred thousand persons, there must be filed in his office the affidavit of all the directors of such corporation that at least one hundred thousand dollars of the capital stock has actually been subscribed and paid in in cash to a person named in such affidavit, for the conduct of such trust business and for the exclusive benefit and protection of the creditors of such trust business, and if the principal place of business is in a city, the population of which exceeds one hundred thousand persons, there must be filed in his office the affidavit of all the directors of such corporation that at least two hundred thousand dollars of the capital stock has actually been subscribed and paid in in cash to a person named in such affidavit, for the conduct of such trust business and for the exclusive benefit and protection of the creditors of such trust business and before he issues any certificate of incorporation to any corporation authorized in its articles of incorporation to engage in the business of banking, or of receiving the money of others on deposit, there must in like manner be filed the affidavit herein that a capital stock, as follows, has actually been subscribed, and paid in in cash to a person named in such affidavit, for the benefit of the corporation:

Banking  
corporations

Capital  
stock

(a) In any locality in which the population does not exceed five thousand persons, not less than twenty-five thousand dol-

lars if it is incorporated to transact either a commercial or savings business or both, or not less than one hundred twenty-five thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than one hundred twenty-five thousand dollars if it is incorporated to transact both a savings and trust business and not less than one hundred twenty-five thousand dollars if it is incorporated to transact a commercial, savings and trust business.

(b) In any city in which the population is more than five thousand persons but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than one hundred fifty thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than one hundred fifty thousand dollars if it is incorporated to transact both a savings and trust business, and not less than one hundred fifty thousand dollars if it is incorporated to transact a commercial, savings and trust business.

(c) In any city in which the population is more than twenty-five thousand persons, but does not exceed one hundred thousand persons, not less than one hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than two hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than two hundred thousand dollars if it is incorporated to transact both a savings and trust business, and not less than two hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

(d) In any city in which the population is more than one hundred thousand persons but does not exceed two hundred thousand persons, not less than two hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than four hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than four hundred thousand dollars if it is incorporated to transact both a savings and trust business, and not less than four hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

(e) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than five hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than five hundred thousand dollars if it is incorporated to transact both a savings and trust business, and not less than five hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

For the purposes of this section, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which such

Determina-  
tion of  
population

corporation is to be organized. If the principal place of business of any corporation so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said corporation is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classifications under the provisions of this section.

Approval of  
superintend-  
ent of  
banks.

Before the secretary of state shall issue any certificate of incorporation to any corporation specified in this section and before he files any amended articles of incorporation or other certificate increasing or decreasing the capital stock, extending or shortening the corporate existence or increasing or decreasing the number of directors of any such corporation there must be attached to said certificates or amendments the approval of the superintendent of banks.

## CHAPTER 611.

*An act to amend section ten of an act entitled, "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," as amended February 6, 1911, April 21, 1911, December 18, 1911, December 21, 1911, and May 6, 1913.*

[Approved June 3, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section ten of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Qualifica-  
tions for  
bank  
directors

Sec. 10. No person shall be eligible for election as director of a bank having a capital stock unless he is a stockholder of the bank, owning, in his own right, shares thereof of the par value of at least five hundred dollars; and every person elected to be director who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt shall immediately notify the superintendent of banks in writing of such sale or hypothecation and such director may be removed from the office of director by the superintendent of banks; *provided, however, that any executor or executrix, administrator or administratrix holding shares of a bank of the par value of five hundred dollars, in his or her representative capacity shall be eligible for election as a director thereof. If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank.*

Banks  
organized  
without  
capital  
stock

CHAPTER 612.

*An act to amend section sixteen of an act entitled the "bank act" of the State of California, approved March 1, 1909, approved as amended April 21, 1911, approved as amended May 31, 1913*

[Approved June 3, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section sixteen of an act entitled the "bank act" of the State of California, approved March 1, 1909, approved as amended April 21, 1911, approved as amended May 31, 1913, is hereby amended to read as follows:

See 16. When any deposit with a bank shall be made by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, if any, and interest, if any, thereon to the person in whose name deposits shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank. When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made. When a deposit with a bank shall be made by any person in the names of such depositor and another person or persons, and in form to be paid to either or the survivor or survivors of them, such deposit thereupon and any additions thereto made by either of such persons upon the making thereof, shall become the property of such person as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the lifetime of all or any or to the survivor or survivors after the death of one or more of them, and such payments and the receipt or acquittance of the one to whom such payment is made shall be valid and sufficient release and discharge to said bank for all payments made on account of such deposit.

The surviving husband or wife, or the guardian of the estate of any insane or incompetent husband or wife of any deceased person, or, if no husband or wife is living, then the children or the guardian of the estates of any minor or insane or incompetent children of said decedent, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father or mother is living, then the brothers and

Bank deposits of married women and minors

Deposits in trust

Withdrawal of deposits of deceased persons

Not over one  
thousand  
dollars.

sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of one thousand dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife, as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is, or affiants are, the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the whole amount that decedent left on deposit in any and all banks of deposit of this state, does not exceed the sum of one thousand dollars, may pay to said affiant or affiants, any deposit of said decedent, if the same does not exceed the sum of one thousand dollars, and the receipt of such affiant is sufficient acquittance therefor; *provided, however*, that whenever the affidavit herein mentioned is made by any guardian it shall be accompanied by a certified copy of the letters of guardianship issued to such guardian attached to a certificate of the clerk of the court having appointed such guardian to the effect that the said letters of guardianship have not been revoked.

#### CHAPTER 613.

*An act in relation to the act of congress known as the Carey act, and all acts amendatory thereof and supplemental thereto, and giving authority to a commission in the investigation, selection, reclamation, control and disposal of all lands granted the state under the provisions thereof.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

State  
accepts  
conditions  
under act of  
Aug 18,  
1894

SECTION 1. The State of California hereby accepts the conditions of section four of an act of congress entitled, "An act making appropriation for sundry civil expenses of the government for the fiscal year ending June 30, 1894, and for other purposes," approved August 18, 1894, together with all the grants of land to the state under the provisions of the

aforesaid act The selection, reclamation and disposal of said land shall be vested in a commission which shall consist of the secretary of the department of natural resources, whenever such officer shall be appointed and until such appointment is made, one of the members of the state water commission to be named by said commission, the state engineer and the surveyor general and which commission shall hereafter be designated the "Carey act commission." The secretary of agriculture whenever such officer shall be appointed, and until such appointment, the dean of the college of agriculture of the University of California, and the president of the state water commission shall act as an advisory board to the said Carey act commission.

Carey act  
commission

SEC. 2. The commission shall elect from among its members, a president and a secretary. The president of the commission shall preside at all meetings of the commission and shall have authority to call special meetings of the commission and he shall do so when requested by any one of the other members.

President

The secretary of the commission shall execute the will of the commission in all matters relating to this act. He shall have the custody of the records of the commission and shall receive and file all proposals for the construction of irrigation works to reclaim lands selected under the provisions of this act. The surveyor general shall be register of all lands which may be selected and shall keep for public inspection maps or plats on a scale not less than two inches to the mile of all lands selected, receive entries of settlers on these lands and hear or receive the final proof of their reclamation and do any and all work required by the commission in carrying out the provisions of this act, relating to the disposal of such lands. He shall have authority to administer oaths, whenever necessary, in the performance of the duties of register.

Secretary.

SEC. 3 Whenever it shall appear to the board of supervisors of any county that it would be advisable to reclaim by irrigation, under the provisions of this act, any desert public land, situated within such county, such board may by appropriate resolution, petition the state engineer to make such an investigation as would determine the feasibility of such reclamation. Whereupon the state engineer shall make or cause to be made an investigation of such lands, and if it should be the opinion of the state engineer that it is feasible to reclaim by irrigation such lands, he shall report the fact to the commission, and, thereupon the commission shall direct the state engineer to make, when necessary, such further investigations as would determine the location and description of the lands, which may be thus reclaimed. The commission may make application to the United States department of the interior upon behalf of the State of California for the temporary withdrawal of such land, pending a more complete investigation and survey preliminary to the filing of the maps and plats and application for segregation.

Reclamation  
of desert  
lands

Temporary  
withdrawal  
of lands.

State  
engineer's  
investiga-  
tion

SEC. 4. As soon as such temporary withdrawal of land shall have been made by the secretary of the interior, it shall be the duty of the state engineer to make an investigation of the water supply and make such surveys as will determine the feasibility of irrigating such lands and the approximate cost of the same. If it should appear from such investigation and surveys that the irrigation of the lands would not be feasible, the state engineer shall so report to the commission and it shall then be the duty of the commission to so notify the department of the interior, in order that such lands may be restored to the public domain, but, if the commission shall be satisfied that there is an adequate supply of water for the irrigation of such lands and that the construction of works for the irrigation of such lands is entirely feasible and the commission should decide that the state would be benefited through the irrigation and settlement of such lands, the commission shall direct the state engineer to make such additional investigations and surveys and prepare such plans as may be necessary to determine the cost of such works as would be needed to irrigate such lands and the commission may then enter into a contract on behalf of the State of California, with the United States, for the construction of such works as may be necessary for the proper irrigation of such land in pursuance of the act of congress known as the Carey act, and the rules and regulations of the department of the interior relating thereto: *provided, however,* that such project shall have first been approved by the state engineer, and by both members of the advisory board.

Report of  
water  
commission

SEC. 5. Before finally deciding as to the feasibility of irrigating lands under this act, the commission shall request the state water commission to report, in writing, their opinion as to whether or not an adequate supply of unappropriated water is available for the irrigation of such lands. It shall be the duty of the state water commission to make such report and recommendations in writing. At the same time and in the same manner the secretary of agriculture or the dean of the college of agriculture, as may be, shall be requested to report his opinion in relation to the land of such project as to its character and fertility, and as to soil or drainage problems then existing or which may follow the irrigation of the lands, and if it should be his opinion that the value of such land, or any portion of such land, after irrigation would not fully justify the estimated cost of such irrigation, the commission shall not enter into a contract for the irrigation of any of the lands which may be adversely reported upon. All such written reports and advice shall be furnished to the commission free of charge.

Agricultural  
report

Designation  
of project

SEC. 6. Whenever a contract shall have been entered into by the commission with the United States department of the interior for the irrigation of desert public lands under the provisions of this act, the lands of such project shall be designated by the commission and be known as the -----

(name to be given) ----- state irrigation district, and the commission shall have the power and it shall be its duty to provide for the construction of the necessary works for the irrigation of such lands, to manage and conduct the business affairs of such district, to make and execute all necessary contracts of employment and appoint such agents, officers and employees as may be required and prescribe their duties. The commission and its agents and employees shall have the right to enter upon any land, to make surveys and locate the necessary irrigation works and the line for any canal or canals and the necessary branches for the same on any lands which may be deemed best for such location. Such commission shall also have the right to acquire by purchase, lease, contract, condemnation or other legal means all lands and waters and water rights and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters and all necessary appurtenances and also, where necessary or convenient to said ends, to acquire and hold the stock of other corporations owning waters, canals, waterworks, franchises, concessions or rights. Such commission may also construct the necessary dams, reservoirs and works for the collection and distribution of water for said district and do any and every lawful act necessary to be done that sufficient water may be furnished to all of the lands of such district for irrigation and domestic purposes. The said commission is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act in the name of the state in behalf of such state irrigation district to and for the uses and purposes herein expressed and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper, in order to fully carry out the provisions of this act or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said commission may sue, appear and defend, in person or by attorneys and in the name of the state in behalf of such state irrigation district. It shall be the duty of said commission to establish equitable by-laws, rules and regulations for the distribution and use of water for the lands of such district, and for the administration and disposal of the lands of such district, which must be printed in convenient form for distribution. Said commission shall have power, generally, to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Surveys  
and  
location of  
works.

Conveyances,  
leases

Rules and  
regulations

SEC. 7. Whenever it shall appear to the commission that the irrigation of public land of a proposed state irrigation district under the provisions of this act would be feasible and that an adequate supply of water exists and is available for the purpose, it shall be the duty of the commission to appropriate in the name of the State of California for such state

Appropriation of  
water.

irrigation district an amount of unappropriated water as may be available and necessary for the irrigation of such land, such appropriation to be made in pursuance of the provisions of the water commission act and acts amendatory thereof, and the rules and regulations of the state water commission; but no fees shall be paid to the state water commission for any services which may be rendered by such commission in connection with any permit or license which may be granted under any such appropriation; but such charge as may be provided by law for the diversion of water for irrigation shall be paid to such state water commission as soon as any of the water thus appropriated shall be diverted for use upon the land of any district and for the quantity of water thus diverted

Raising  
additional  
money

SEC 8 For the purpose of constructing necessary irrigation canals and works and acquiring the necessary property and rights therefor and for the purpose of acquiring waters, water rights and other property necessary for the purposes of a state irrigation district and otherwise carrying out the provisions of this act, the commission may as soon after a contract has been entered into with the United States for the irrigation of the lands of a district and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefor and it is necessary to raise additional money for such purposes, estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary for such purposes or any of them said commission shall cause such surveys, examinations, drawings and plans to be made of a district as shall furnish the proper basis for an estimate of the cost of irrigating the lands of such district. All such surveys, examinations, drawings, plans and the estimate of cost based thereon shall be made by or under the direction of the state engineer and shall be certified by him and a report of such irrigation plans shall be prepared by him which report shall contain a description of the lands to be irrigated, the works to be constructed and shall also state his conclusions as to the supply of water available for the use of the district. The estimated cost of a project under this act shall include in addition to the cost of the works proposed and the purchase of land and other rights of way needed for their construction and for the use of such district, the estimated discounts or cost of credit which it would be necessary to establish; interest during the period of construction; overhead and other carrying charges and reasonable contractor's profit commensurate with the risks involved; and the total estimate thus obtained shall be the estimated reasonable expense of irrigation or the "irrigation charge" against the lands to be irrigated. After receiving such report the commission, if it shall be convinced and shall declare by resolution that the supply of water available for the use of the district is sufficient for all purposes and that the said project is in all other respects feasible, shall make an order determining the amount of bonds that should be issued in order to

Estimated  
costs.

Bonds.

raise the amount of money needed for the purpose or purposes for which said bonds are desired; and, said bonds may be issued as provided by this act and when so issued shall constitute a lien or liens against the lands of a district to be thus reclaimed as contemplated by the act of congress, approved June 11, 1896, (29 Stats. 413-434) and shall be valid on and against the separate legal subdivisions of land thus reclaimed and irrigated, for the actual cost and necessary expense of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and, after the reclamation and settlement of any lands thus reclaimed such bonds shall remain a lien against such lands and shall be superior and prior to any other lien which may be created until paid, and the commission is hereby authorized to issue bonds under such lien to be secured by the same and may, from time to time, as provided in section 9 of this act, sell said bonds, the proceeds to be used only for the reclamation of such lands, such total issue of bonds to have a par value not to exceed the total estimated irrigation charge against the lands of such district.

SEC. 9 The commission may sell such bonds, from time to time, and in such quantities as may be necessary and most advantageous to raise money for the construction of such canals and works, the acquisition of property and rights, or the acquisition of any water or water rights or otherwise to fully carry out the objects and purposes of this act. Before making any such sale, the commission shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes and notice of the sale to be given by publication thereof, for at least three weeks, in some newspaper published in the county in which the district is situated and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the commission at their office for the purchase of bonds till the day and hour named in the resolution. At the time appointed the commission shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest bidder or bidders, *provided, however,* that they may reject any or all bids.

SEC 10. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be not available for the completion of the plan of canal and works adopted and the acquisition of the necessary property, waters and water rights therefor and additional bonds be not voted, it shall be the duty of the commission to provide for the completion of said plan and the acquisition of such necessary property, waters and water rights by levy of assessments therefor on or before the first Monday in August in each year, and the commission shall levy an assessment against all the land included in a district which may be subject to assessment to raise the annual interest on the outstanding bonds of such district;

and, in any year in which any bond shall fall due it must increase such assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature and pay the cost of operating and maintaining the canal system of the district; also sufficient to pay in full all sums due or that shall become due from the district before the time of levying the next annual assessment on account of rentals or charges for lands, water, or water rights acquired by said district under lease or contract; also sufficient to pay in full the amount of any other contract or obligation of the district which shall have been reduced to judgment; *provided, also*, that the commission shall have authority to charge a toll or rental for the delivery of water in an amount sufficient to pay the cost of operating and maintaining the canal system; or, such expense may be met by both assessment and tolls in such proportion as the commission might decide would be most advantageous to the land owners of such district.

Series of  
bonds.

SEC. 11. All bonds issued under the provisions of this act shall be payable in gold coin of the United States in twenty series, as follows, to wit:

At the expiration of twenty-one years from the date of any issue of the said bonds, two per centum of the whole amount of such issue, at the expiration of twenty-two years from said date two per centum of the whole amount of such issue; at the expiration of twenty-three years from said date, three per centum of the whole amount of such issue; at the expiration of twenty-four years from said date three per centum of the whole amount of such issue; at the expiration of twenty-five years from said date four per centum of the whole amount of such issue; at the expiration of twenty-six years from said date four per centum of the whole amount of such issue; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-eight years from said date four per centum of the whole amount of such issue; at the expiration of twenty-nine years from said date, five per centum of the whole amount of such issue; at the expiration of thirty years from said date, five per centum of the whole amount of such issue; at the expiration of thirty-one years from said date, five per centum of the whole amount of such issue, at the expiration of thirty-two years from said date five per centum of the whole amount of such issue; at the expiration of thirty-three years from said date six per centum of the whole amount of such issue; at the expiration of thirty-four years from said date six per centum of the whole amount of such issue, at the expiration of thirty-five years from said date six per centum of the whole amount of such issue, at the expiration of thirty-six years from said date six per centum of the whole amount of such issue; at the expiration of thirty-seven years from said date, seven per centum of the whole amount of said issue; at the expiration of thirty-eight years from said date seven per centum of the whole amount of such issue; at the expiration of thirty-nine

years from said date, eight per centum of the whole amount of such issue; at the expiration of forty years from said date, eight per centum of the whole amount of such issue.

While the foregoing several enumerated percentages are of the entire amount of the bond issue, each bond must be made payable at a given time for its entire amount and not for a percentage. The date of the issue of any bond authorized under this act shall be deemed to be the apparent date of issue of the said bonds appearing upon the face thereof, which date shall be subsequent to the date of the resolution of the commission authorizing the issue of the said bonds and prior to the date of actual delivery of said bonds to the purchaser thereof. Said bonds shall bear interest at a rate to be determined by the commission, but not exceeding six per cent per annum, payable semi-annually on the first day of January and the first day of July of each year. Principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars as the commission may determine. They shall be negotiable in form, signed by the president and secretary of said commission and the seal of the commission shall be affixed thereto. Each issue shall be numbered consecutively as issued and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval and also stating the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received and the name of the purchaser. The provision of this section defining what shall constitute the date of issue of bonds shall apply to any and all bonds issued in pursuance of this act.

SEC. 12. Upon the presentation of the coupons due on bonds issued against the land of any said irrigation district to the state treasurer he shall pay the same from the bond fund of such district. Whenever such fund shall amount to the sum of \$10,000 in excess of an amount sufficient to meet the interest coupons due, the commission may direct the treasurer to pay such an amount of such bonds due as the money in said fund will redeem at the lowest value at which they may be offered for liquidation after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of such bonds. Said proposals shall be opened by the commission in open meeting at a time to be named in the notice and the lowest bid for said bonds must be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed as herein provided for said money shall be invested by the state treasurer under

Each bond  
the entire.

Date of  
issue

Interest

Denomina-  
tion

Interest  
coupons

Payment of  
interest and  
principal.

direction of the commission in United States bonds or the bonds of the state which shall be kept in the bond fund of such district and may be used to redeem such district bonds whenever the holders thereof may desire.

Annual  
assessment

SEC. 13. The bonds issued and the interest thereon shall be paid by revenue derived from an annual assessment upon the land of the district against which such bonds may have been issued on the basis provided in section 19 of this act and all the land in such district shall be and remain liable to be assessed for such payments as herein provided.

District  
superin-  
tendent,  
appointment,  
duties, etc

SEC. 14. The commission shall have power to appoint a representative of any state irrigation district who shall reside within the limits of such district, and who may be empowered to act for the commission in all matters relating to the affairs of such district, the commission shall fix his compensation and he shall hold office at the pleasure of such commission. Before assuming the duties of such office, such representative shall execute an official bond in a sum not to exceed fifty thousand dollars and not less than ten thousand dollars. Such official bond shall be in the form prescribed by law for the official bonds of county officers. Such representative may be given authority to represent such commission during the construction of the works, to receive applications for the entry of land under the provisions of this act; receive annual and final proofs and issue certificates relating to the same. He may be empowered to prepare the annual assessment rolls and collect and receive such assessments on behalf of such commission. Such representative of the commission shall be designated "district superintendent" The commission is hereby authorized to appoint a district advisory board of any state irrigation district, consisting of three members who shall be residents of such district and who shall hold office at the pleasure of the commission and shall serve without compensation. The commission is hereby empowered to extend such authority to such district advisory board as may be deemed for the best interests of such district

District  
advisory  
board

Bids on  
construction  
of works

SEC. 15. When the commission shall have made an estimate of the cost of a project, it shall invite bids or proposals for the construction of the necessary works by publication, for a period of six weeks in not more than six newspapers of weekly issue as in the opinion of such commission would be most likely to bring the matter to the attention of persons best able to undertake the construction of the works proposed. Such notice shall contain a brief description of the works proposed, the volume and kind of material to be moved, the kind of structures to be built, and the total estimated cost of the project and the place or places where plans, estimates and specifications can be inspected. Such bids or proposals shall be received by the commission on the day and hour stated in the publication and such commission shall thereupon examine all such bids or proposals as may be submitted and shall accept the proposal of the lowest and most responsible bidder,

provided the price at which it is proposed such work would be constructed is not greater than the total estimated cost of such project as prepared by such commission or such commission may reject any or all of such bids. If the price submitted for the construction of such works should be greater than the total estimated cost prepared by the commission, the commission shall arrange for a public hearing and may summon witnesses to testify as to the reasonableness of any price or terms which may have been submitted or may receive other proposals and the commission may, after a careful consideration of all evidence which may be submitted and representations that may be made at such hearing, accept a proposal for a price greater than the estimated cost of the project prepared by such commission. Each bid or proposal that may be submitted shall be accompanied by a certified check made payable to the commission, equal in amount to two per cent of the estimated cost of such project, which check shall be forfeited to such commission if the individual, firm, association or corporation submitting such bid or proposal shall, after its acceptance by the commission, refuse to enter into a contract with the commission for the construction of the works of such project as provided by the general terms of such proposal and such commission shall deposit with the state treasurer the amount thus forfeited and the state treasurer shall place the same to the credit of the bond guarantee fund created under the provisions of section 38 of this act; *provided, further,* that no proposal for the construction of irrigation work shall be accepted until the commission shall have satisfied itself that the individual, firm, association or corporation submitting the same is financially able to carry the undertaking to completion within the time specified and under the terms provided and for the amount agreed to in such proposal

Certified checks.

Financial standing of successful bidder

Sec. 16. The individual, firm, association or corporation, whose proposal for the construction of the works of any irrigation project to be constructed under the provisions of this act has been accepted by the commission shall, within a period of thirty days from the date of such acceptance be prepared to enter into a contract with such commission for the construction of such works in accordance with the plans, specifications and terms upon which the acceptance of such proposal is based, such contract to be accompanied by a satisfactory bond on the part of the proposed contractor for the construction of such works, which bond shall be in a penal sum equal to fifteen per cent of the estimated cost of the works and shall be conditioned for the faithful performance of the provisions of the contract with the State of California, but the commission shall have the authority to extend the time of entering into such agreement, but such time shall not be extended more than ninety days from the date of the acceptance of such proposal. The plans, specifications and terms upon which the accepted proposal is based, shall be made a part of the contract; the time for the completion of the works shall also be stated, which

Contract entered into

Bond

Plans part of contract.

shall not be more than five years from the date of the acceptance of the proposal; but, in the case of works of great magnitude the commission shall have authority to extend the time for completion not exceeding two years. All contracts shall state that work shall begin within three months from the date of the contract and that such work shall be prosecuted diligently and continuously and at a rate commensurate with the magnitude of the undertaking and which would, at all times, insure its completion by the time agreed to in such contract; *provided, further*, that if there shall be an interruption of work on any of the controlling features of such project, as may be determined by the state engineer, caused by flood, storms, or other natural causes, the commission may grant an extension equal to such delay. All work to be done under the provisions of this act shall be in pursuance of plans and specifications to be prepared by the state engineer and all such work shall be under his supervision and shall be completed to his satisfaction. A failure to complete the works within the time required by the contract or an extension thereof as herein provided shall forfeit to the state all rights under the same.

Beginning  
of work.

Failure to  
complete

Failure to  
begin on  
time

SEC. 17. Upon the failure of any parties having a contract with the state for the construction of irrigation works to begin the same within the time specified by the contract or to complete the same within the time or in accordance with the specifications of the contract to the satisfaction of the commission, it shall be the duty of the commission to give such parties written notice of such failure and if after a period of thirty days from the sending of such notice, they shall fail to proceed with the work or to conform to the specifications of their contract with the state, the bond and contract of such parties and all work that may have been performed under such contract and all the material entering therein or which may be delivered or the works constructed or to be constructed thereunder shall be at once and thereby forfeited to the state; and it shall be the duty of the commission at once to so declare and give notice once each week for a period of four weeks in some newspaper in general circulation in the county or counties in which the work is situated and in one newspaper at the state capital, in like manner and for a like period of the forfeiture of such contract and that upon a fixed day, proposals will be received at the office of the commission for the completion of such contract and the time for receiving said proposals shall be at least sixty days subsequent to the issuing of the last notice of forfeiture. And the commission shall have authority to accept a proposal for such completion and may enter into a contract for the same as in the case of an original proposal; and if by reason of a failure or forfeiture under a contract or for any other cause the total cost of a project should exceed the original estimated irrigation charge, the commission shall have the authority to make such equitable distribution or addition of any such excess or increased cost to any or all of the farm units of such district as, in the judgment of such commission may be

Proposal to  
complete

deemed just and such adjusted or increased irrigation charge shall, thereafter, be the basis for all assessments against such farm units as contemplated by the provisions of this act.

SEC. 18. The contract for the construction of works of a district shall provide that payments shall be made to the contractor only as lands are open to entry from time to time and there shall be due and payable at such times only such amounts as would equal the total irrigation charge against such land as shall have been provided with means of irrigation.

Payments to contractor.

SEC. 19. As soon as the estimated irrigation charge shall have been determined, it shall be the duty of the state engineer to make a classification of the lands of such district, dividing it into farm units and noting the location and area of the irrigable and non-irrigable land of each of such farm units, which may be of varying size, but none of such farm units shall be greater than one hundred sixty acres or less than twenty acres and he shall charge the irrigation charge or cost of the project against such farm units in the proportion of the benefits which it is estimated would be derived by each of such farm units from the construction of such works; and the amount thus charged against any farm unit, or the proportion which such charge bears to the total cost of such project, shall be the basis of assessment during the period of construction and when construction is completed and the irrigation charge is finally adjusted shall be and remain the basis of all assessments which may thereafter be made against such farm units under the lien that may be created against any or all of the lands of such project in pursuance of the provisions of this act, and of the act of congress approved June 11, 1896. (29 Stats. 413-434.)

Classification of lands

Farm units

SEC. 20. Whenever the commission shall decide to proceed with the construction of works for the irrigation of the lands of a state irrigation district and to issue bonds for the payment of the same, and before any of such lands shall be open for entry, the commission shall file for record in the office of the county recorder, in the county or counties in which such lands may be situated, a map on tracing linen, on a scale not less than two inches to the mile, on which shall be shown the lands of such state irrigation district that are to be irrigated, subdivided into farm units, together with a list of such farm units; and there shall be noted on such map in each farm unit subdivision and on such list of lands the irrigation charge which has been made against each of such farm units, which charge shall serve as a basis for assessments as provided in section nineteen of this act. And there shall also be recorded a certified copy of the resolution of the commission providing that such irrigation charge shall become a lien against the lands of the district and the subdivisions thereof on the basis indicated on such map and list; also a certified copy of the resolution or resolutions providing for the issuing of bonds for the construction of such works shall be filed for record by the commission with such recorder or recorders. Any owner of private lands, situated within the limits of a project to be constructed under the provisions of this act may have such

Map filed with recorder

Resolution recorded

Private lands within project

lands included in such project, by entering into an agreement with the commission, which agreement shall provide that an equitable portion of the cost of such works shall be charged against such land on the same basis and in the same manner followed in the case of the public lands of the project and that any area of land in private ownership, which it may be desired to thus include, in excess of any farm unit area which shall be decided by the commission and not to exceed 160 acres, shall be subdivided by the state engineer into farm units and sold by the commission at a price and on terms to be agreed to with the commission, the price at which such land may be sold to be not greater than two and one-half times its assessed value at the time such agreement is made; and such owner shall also agree that the cost of irrigation shall be a first lien against his land, the terms of such lien to be the same in every respect as the lien which may be created against the public land of the project; and he shall execute a mortgage against such land as would enable the commission to establish such a lien; also that such land shall be incorporated into and be subject to all assessments which may be made by order of such commission; and, when the owner of any privately owned lands shall have thus entered into such contract the commission may, if it shall be deemed to be the best interests of the project, declare such privately owned lands a part of the project and of the state irrigation district, which is to be created or may have been created and shall indicate each unit of such lands, with the irrigation charge noted, on the map of such district and shall add such lands to the list of lands to be recorded as herein provided.

Amended  
map filed  
on  
completion  
of works.

SEC. 21. Upon the final completion of the works of a project the commission shall file for record with the county recorder of the county or counties in which the project is situated, an amended map of the project and a list of all lands on which shall be noted the irrigation charges as they may finally be adjusted by the commission, together with appropriate resolutions in relation thereto, and such amended map and list and resolution shall then become the final basis of all future assessments to be made against the lands of such project in carrying out the provisions of this act; and, the recorder of a county in which such project or any portion of a project is situated shall at the request of the commission receive and record all resolutions of the commission relating to the creation of a lien against the lands of a state irrigation district and the list of the lands thereof and shall file in a plat book to be provided for such purpose all the maps and plats of the lands of such district that may be offered for record.

Assignment  
of entry.

SEC. 22. No entry of land made under the provisions of this act shall be assignable except to the State of California, and shall not be re-entered until at least sixty days after such assignment and not until the register has by publication, once each week for a period of four weeks in a newspaper published in the county in which such land is situated and in another

newspaper of general circulation to be selected by the register advertised that such land will be open to re-entry at the office of the commission or its agent in the county in which such land is situated at an hour and date which shall be not less than fifteen nor more than thirty days subsequent to the last date of such publication and describing such land and the appraised value of any improvements which may have been placed upon the same as determined by the commission and stating that the right to re-enter any such farm unit or units will be awarded to the highest qualified bidder for the same; and the commission shall not be obliged to return to the previous entryman all or any portion of any amount which may thus be received from the sale of the improvements which may have been placed upon such entry by him, the value of which shall have been appraised, but the commission may place any or all of the money thus received in the bond guarantee fund of such district. The commission shall cancel any entry for non-compliance with the provisions of this act relating to the payment of tolls, water rentals or assessments or for failure to cultivate or reside upon such entry in the manner provided by this act and in accordance with the rules and regulations in relation to the same as may be provided by such commission, and, in the event of such cancellation such entry shall be re-entered in the manner herein provided.

Cancellation of entry.

SEC. 23. Within six months after entering land under the provisions of this act the entryman shall become an actual and bona fide resident upon such land and shall continue to reside upon such land during at least six months of each year until patent shall have been granted to him for the land embraced in such entry. And within the irrigation season next following the date of entry of land the entryman shall prepare for irrigation and shall irrigate and cultivate to crops twenty-five per cent of the irrigable area of such entry and during the second irrigation season he shall prepare for irrigation and shall irrigate and cultivate to crops one-half of the irrigable area of such entry; and, during the third irrigation season he shall prepare for irrigation and shall irrigate and cultivate to crops seventy-five per cent of the irrigable land of such entry. Such classification as to irrigability to be made by the state engineer as provided in section 19 of this act. Four years from the date of entry the entryman shall offer final proof of residence upon and cultivation of his entry before the register or a representative of such register in the county in which such land is situated and if such final proof is accepted the commission shall issue a patent in the name of the state to such entryman; *provided*, that at the time of such final proof seventy-five per cent of the irrigable area of such entry shall have been prepared for irrigation and shall be irrigated and cultivated. The commission shall provide suitable rules for the filing of proposals for constructing irrigation works and for the entry of and the payment for the land by settlers, for offering annual and final proof and for the forfeiting of entry upon

Entryman to become resident

Final proof

Patent.

Rules of commission

failure to comply with the provisions of this act, and in relation to other duties and obligations of the entryman in carrying out the provisions of the act. Such rules and regulations shall be designed to carry out the chief purpose of this act which is that speculation in such lands may be prevented and that they may be entered by actual settlers who will put them to the beneficial use intended so repayment of the cost of reclamation may be assured.

Order of  
construction  
of works

SEC. 24. The construction of all irrigation works of a state irrigation district shall be prosecuted in regular order beginning at the upper end of such district to be irrigated and continuing towards the lower end, and all diverting works, main canals, laterals and structures shall be completed as such work proceeds, so that all the land tributary thereto may be irrigated and whenever irrigation facilities shall have been completed for the irrigation of one-fifth of the area of an irrigation district the commission shall accept such works, provided they shall have been completed to the satisfaction of the state engineer; and thereupon the commission shall, within thirty days from such acceptance declare open to public entry such portions of the lands of such project as have been provided with irrigation facilities and for which water is available for irrigation: and it shall be the duty of the commission, by publication once each week in some newspaper of the county in which such lands are situated and one newspaper each in Sacramento, San Francisco, and Los Angeles, for a period of four weeks to give notice that said land is open for settlement, the price for which said land will be sold to settlers by the state and the average irrigation charge against such land and the terms of payment; also any privately owned lands which may be held under contract for sale by the commission and the price at which such land will be sold to actual settlers and the terms of the same; and, from time to time thereafter as works are completed for the irrigation of the lands of such district such works shall be accepted and such land shall be thrown open to entry; but each of the first four public openings of lands of a district shall contain an area not less than one-fifth of the total area of the district unless one of such openings shall include all the remaining lands of such district.

Open to  
public

Qualifications  
of  
applicants.

SEC. 25. Any citizen of the United States or any person having declared his intentions to become a citizen of the United States, excepting married women, unless head of a family, over the age of twenty-one years, may make application, under oath to the register, or his agent, to enter a single farm unit and such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and that the applicant has never received the benefit of the provisions of this act and that such application is made subject to such rights of way as may be deemed necessary by the

commission for the construction of irrigation works and their proper operation and maintenance thereafter, and to all the provisions of this act with respect to the lien against such land which may have been created or may be created by the authority of the commission, and subject to the authority of the commission in all matters relating to the levying and collecting of assessments, tolls and water rentals of every kind and subject to the authority of the commission in relation to the control and operation of the irrigation system. All applications for entry shall be accompanied by a payment of one dollar per acre, which will be returned to the applicant if the application is not allowed. If the application is allowed a certificate shall be issued to the applicant and all certificates when issued shall be recorded in a book to be kept for that purpose. The commission will dispose of all lands accepted by the state under the provisions of this act, at a uniform price of one dollar per acre. The application shall also be accompanied by any amounts or charges which may have been assessed against such land and which are due and payable; also by a payment of not less than ten per cent, nor more than twenty per cent of the irrigation charge made against the farm unit applied for, as the commission, in its discretion may decide, and such payment shall be a uniform percentage of such irrigation charge against all the lands of such district and such payment shall be deposited by the commission with the state treasurer, in a fund to be known as the ----- state irrigation district bond guarantee fund to be employed by the commission as provided by section 38 of this act, and a similar payment shall be made by the owner or holder of any privately owned land which may have been included in such district and by the purchaser or purchasers of any of such land which may be sold by the commission under contract provided in section 20 of this act and the payment thus made shall also be placed in such bond guarantee fund; *provided*, in the case of such private lands the payment of such percentage of the irrigation charge shall be made at the time such lands are included in such district or when such lands are sold by the commission or under its authority.

First  
payment

Price of  
lands

SEC. 26. On or before the first Monday in August in each year the commission shall prepare or cause to be prepared a list of assessments to be levied under the provisions of this act, such assessments to be based upon the irrigation charge made against the lands of such district on the basis provided in section 19 of this act. Such commission shall compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid by the commission into the office of the state treasurer, there to be apportioned to the several funds as herein provided. The assessment upon the lands of the district is a lien against the property assessed from and after the date of such assessment and the lien for the bonds and

Assessments  
based on  
irrigation  
charge

other charges of such district shall be a preferred lien and superior to any other lien which may be created and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof.

Notice that  
assessments  
are due.

SEC. 27. On or before the first day of September the commission shall publish a notice in the newspaper of general circulation published in each county in which any portion of the district may lie that such assessments are due and payable and will become delinquent at six o'clock p.m. on the last Monday of October next thereafter and that unless paid prior thereto ten per cent will be added to the amount thereof and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The commission or its representative must attend at the time and place specified in the notice to receive assessments which must be paid in gold or silver coin. He must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed; and on the last Monday in October at 5 p.m. of each year if unpaid assessments are delinquent and thereafter the commission must collect thereon for the use of the district an addition of ten per cent.

Delinquent

Publication  
of  
delinquent  
list

SEC. 28. On or before the first day of December the commission shall publish the delinquent list which must contain the names of the persons and the description of the property delinquent and the amount of the assessments and costs due, opposite each name and description. There shall be appended to and published with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage are paid the property upon which such assessments are a lien will be sold at public auction. If the land on which such assessment is delinquent is held under a possessory right under the provisions of this act, such publication shall state that such possessory right is subject to cancellation by the commission, and if the assessments against such land are not paid within sixty days from the date of such delinquency such right shall be cancelled and the land offered for re-entry in the manner provided by section 22 of this act. The publication must be made once a week for three successive weeks in a newspaper of general circulation published in the county in which the property delinquent is situated, but if any property assessed to the same person shall lie in more than one county then such publication may be made in each county in which any portion of such property may lie. The publication must designate the time and place of sale; the time of sale must be not less than twenty-eight days from the first publication and the place must be at some point designated by the commission within the district; *provided, however*, that if there should occur any error in the publication of the sale of the delinquent property which might invalidate a sale made thereunder and such error is

discovered prior to the sale thereunder, the commission shall at once republish the sale of the property affected by such error, making such publication conform to the provisions of this act and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication and the place of sale must be at some point designated by the commission within the district and stated in such republication.

SEC. 29. The commission must collect in addition to the assessments due on the delinquent list and ten per cent added. fifty cents on each lot, piece or tract of land separately assessed. On the day fixed for the sale or some subsequent day to which the commission may have postponed it, notice of which must be given, the commission or their representative, between the hours of 10 o'clock a.m. and 3 o'clock p.m. must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically or in numerical order of the lots or blocks until completed. The commission may postpone the day of commencing the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

Collections  
in addition  
to  
assessments  
Sale.

SEC. 30. After receiving the amount of assessments and costs the commission must make out, in duplicate, a certificate dated on the day of sale, stating when known the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the commission or its representative and one copy delivered to the purchaser and the other filed in the office of the county recorder of the county in which the land is situated.

Sale  
certificate.

SEC. 31. The commission or its representative before delivering any certificate must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names and amount paid, regularly number the description on the margin of the book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours when not in actual use. On filing the certificate with such county recorder the lien of the assessments vests in the purchaser and is only divested by the payment to him or to the commission for its use of the purchase money at two per cent per month from the day of sale until redemption.

Record of  
land sold.

SEC. 32. The assessment book or delinquent list or a copy thereof certified by the commission or its representative showing unpaid assessments against any person or property is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

Assessment  
book, etc.  
as evidence

SEC. 33. The owner or person in possession of any property offered for sale for assessments due thereon may designate in

Sale of part  
of land

writing to the commission prior to the sale what portion of the property he wishes sold, if less than the whole. But if the owner or possessor does not, then the commission may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest and pay the assessments and costs due, including two dollars for the duplicate certificate of sale is the purchaser. If the purchaser does not pay the assessments and costs before 10 o'clock a.m. the following day the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale then when the property is offered thereafter for sale and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the commission as the purchaser and a certificate of sale shall be issued therefor. The commission as a purchaser at such sale shall be entitled to the same rights as a private owner and the title so acquired by the commission, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of such commission; *provided*, that authority to so convey must be offered by resolution of the commission, entered on its minutes, fixing the price at which such sale may be made and such conveyances shall not be made for a less sum than the reasonable market value of such property.

Resale

When no purchaser appears.

Redemption of property.

SEC. 34. A redemption of the property sold may be made by the owner or any party in interest within one year from the date of purchase or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes and when made to the commission it shall credit the amount paid to the person or his assignee. On receiving the certificate of sale the county recorder must file it and make an entry in the book similar to that required of the commission. On the presentation of the receipt of the person named in the certificate or of the commission for its use, of the total amount of the redemption money the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein specified the commission upon demand must make to the purchaser or his assignee a deed of the property reciting in the deed substantially the matters contained in the certificate and that no person redeemed the property during the time allowed by law for its redemption, *provided*, that where the property has been sold to the commission it may be redeemed as herein provided, at any time before the commission has disposed of the same. The commission shall receive from the purchaser for the use of the district two dollars for making such deed.

Recital in deed.

SEC. 35. The matter recited in the certificate of sale must be recited in the deed and such deed duly acknowledged or

proved is prima facie evidence that, (a) the property was assessed as required by law, (b) that the assessments were levied in accordance with law; (c) the assessments were not paid; (d) at the proper time and place the property was sold as prescribed by law and by the proper officer; (e) the property was not redeemed; (f) the person who executed the deed was the proper officer.

Such deed, duly acknowledged, or proved, is (except for actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the commission to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except when the land is owned by this state in which case it is prima facie evidence of the right of possession.

Deed conveys title.

SEC. 36. When land is sold for assessments properly imposed, as the property of a particular person, no misnomer of the owner or supposed owner or other mistake relating to the ownership thereof affects the sale or renders it void or voidable.

Mistakes do not render sale void.

SEC. 37. The legal title to all property acquired under the provisions of this act shall immediately, and by operation of law vest in the State of California, and shall be held in trust for and is hereby dedicated and set apart to the uses and purposes of the state irrigation district for whose benefit such property or rights may have been acquired and said commission is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. Said commission may determine by resolution duly entered upon their minutes, that any property, real or personal, held for any state irrigation district is no longer necessary to be maintained for the uses and purposes thereof, and may thereafter sell such property and a conveyance of any property thus held for any irrigation district, executed by the president and secretary thereof, in accordance with the resolution of such commission, when sold for a valuable consideration, shall convey good title to the property so conveyed.

Legal title vests in state

Sale of property no longer necessary.

SEC. 38. All payments received from entrymen at the time of entry on account of the irrigation charge against the lands of a district shall be placed by the commission with the state treasurer, in a fund to be known as the bond guarantee fund of the ----- state irrigation district and shall be available for the payment of assessments which may have become delinquent from time to time or for the payment of assessments against unentered land. Any one applying to enter land on which any assessment has been paid from such guarantee fund shall pay to the commission such assessment or assessments before the commission shall receive such application and the amount thus paid shall be deposited by the commission to the credit of such guarantee fund.

Disposition of entryman's payments.

SEC. 39. The bond guarantee fund of any said irrigation district which is provided for in section 38 of this act shall be available for the payment of delinquent assessments until the

Fund available for delinquent assessments.

completion of the works of such district. After such completion if such delinquency does not exceed in any one year five per cent of the total of the assessments, tolls and water rentals for such year such fund may be employed by the commission in the payment of assessments which may be levied for the payment of the interest or principal of the bonds or of both interest and principal and no further assessments for such purpose need be collected until such fund shall have thus been exhausted

Deposits  
in state  
treasury.

SEC. 40. All moneys deposited with the state treasurer by the commission shall be placed to the credit of the several funds of a state irrigation district, as may be directed by such commission; and the state controller is hereby authorized and directed to draw warrants upon such funds, from time to time, upon the requisition of the commission, approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants, but all payments due on the bonds of any such district shall be paid by the state treasurer when due from the bond fund of such district without such authorization.

Expenses  
of state  
officers.

SEC. 41. As provided in the act of congress, known as the Carey act, all moneys received by the commission from the sale of lands selected under the provisions of this act shall be deposited with the state treasurer and such sums as may be necessary shall be available for the payment of the expenses of the commission, the register, and of the state engineer's office, incurred in carrying out the provisions of this act. And the state controller is hereby authorized and directed to draw warrants upon such sum from time to time upon the requisition of the commission approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrant for the work performed under the direction of the commission, the register and the state engineer and any balance remaining over and above the expenses necessary to carry out the provisions of this act shall constitute a trust fund in the hands of the state treasurer to be used only for the reclamation of other arid lands.

Warrants  
for work  
done.

Duties of  
register.

SEC. 42. The register shall be the custodian of all papers, documents, maps and plats relating to the disposal of said lands and shall receive and receipt for all fees and payments required to be made under the provisions of this act or any rule or regulation of said commission, and shall deposit the same with the state treasurer to the credit of the land reclamation trust fund; he shall conduct all correspondence relating to such lands, after they shall have been segregated and perform such other duties in the premises as may be required. The president of such commission is hereby named as the authorized agent of the state to enter into and to execute for and in behalf of the state, the agreement prescribed by the secretary of the interior binding the state in respect to the disposal of lands under the Carey act, such contract to be attested by the state engineer and approved by the governor.

SEC. 43. The following fees shall be collected by the commission under the provisions of this act and deposited with the state treasurer to be placed in the land reclamation trust fund; for filing each application of entry, two dollars; for taking evidence of annual proof of cultivation, one dollar and fifty cents, for issuing each certificate of location, one dollar; for issuing each patent, one dollar; for making certified copies of papers or records, twenty cents per folio for the original and five cents per folio for each carbon copy thereof by the same applicant.

SEC 44 Subject to the provisions of the act of congress, approved August 18th, 1894, the proceeds derived by the state from fees and the sale of desert public lands, and by this act required to be deposited in the land reclamation trust fund, shall be subject to control and disposition by said commission, from time, to time, for the following purposes, and for none other:

*First*—For the payment of expenses necessary to the administration and conduct of said commission;

*Second*—For the reclamation by and under the control and direction of the commission, of desert lands in the state, or in co-operation with the United States;

*Third*—For such experimentation in agriculture, horticulture and forestry as shall aid in the reclamation of the desert lands of the state;

*Fourth*—For such advertisement and publicity of the desert lands of the state as may advance their settlement and reclamation.

SEC 45. On the first Monday in each month the commission shall account for all moneys collected for assessments and pay the same over to the state treasurer and file in the office of such treasurer a statement showing an account of all such transactions and receipts since the last assessment and that all moneys collected by such commission has been thus deposited.

SEC. 46 The commission is hereby authorized to investigate the costs, supply, and irrigation resources of the state and the feasibility of irrigating public and other lands in this state in co-operation with the United States; *provided*, the cost of such investigations shall be shared equally by the state and the United States and that such co-operation work shall be done under the joint supervision and direction of the commission and a representative of the United States and any surveys, maps, plans, estimates and reports relating to such investigation shall be placed at the disposal of the state; *provided, also*, that the commission is hereby authorized to co-operate with the United States for the construction of the works of any state irrigation district that may be undertaken under the provisions of this act but such co-operative work shall not in any way involve the credit of the state.

SEC. 47. The commission at the close of each fiscal year shall submit a report, in detail of the transactions under this act to the governor and on its approval, such number of copies

thereof shall be printed for gratuitous distribution as may be deemed necessary; but all pending proceedings before the commission and the state water commission, shall not be made public or be opened to public inspection until the application for temporary withdrawal or segregation is filed in the United States land office.

Attorney  
general  
legal  
adviser.

SEC. 48. The attorney general shall be the legal adviser of the commission in matters relating to this act and shall represent or shall cause the state to be properly represented in all suits, actions, contests, or controversies relating to or involving the rights or interests of the state under the provisions of this act, before the several land officers in this state, before the general land officer at Washington, D. C., and before the courts of this state and of the United States, and may employ a competent attorney or attorneys for that purpose, who shall be paid out of any fund which may be available for such purpose to the credit of any state irrigation district or from any general appropriation which may be available for such purpose. And the district attorney of any county or counties in which any state irrigation district may lie shall represent the commission in any action which may be brought or which may be defended by the commission in the courts of such county or counties when so directed by the attorney general and he shall not receive any additional compensation for such services, but shall be allowed such reasonable and necessary expenses which may be incurred by him while performing such service.

District  
attorney  
to  
represent  
commis-  
sion.

State  
not liable.

SEC. 49. Nothing in this act shall be construed as authorizing the commission to obligate the state to pay for any work constructed under any contract or to hold the state in any way responsible to settlers for the failure of the contractors to complete the work, according to the terms of their contracts with the state.

By-laws.

SEC. 50. Said commission is hereby authorized and empowered to adopt such by-laws and to establish and require the observance of such rules and regulations as it may deem necessary, proper or expedient, not in conflict with law, or the regulations of the department of the interior with respect to the administration of the provisions of this act, and which shall be published from time to time in pamphlet form for free distribution.

Meetings

SEC. 51. The by-laws to be prepared by the commission shall provide for regular meetings to be held once every three months, but special meetings may be held at the call of the secretary of the commission or of a majority of the commission.

Quorum

A majority of the commission shall constitute a quorum for the transaction of all business coming before the commission in pursuance of the provisions of this act.

CHAPTER 614.

*An act to amend an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, by amending section four thereof.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, is hereby amended to read as follows:

Sec 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing bodies, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; *and provided, further,* that in case of the consolidation of an election called by the legislative body of a city with an election called by the board of supervisors of the county in which such city is situated, the governing body of such city, in the ordinance or notice calling such election, may authorize such board of supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat.

Precincts, etc., the same for consolidated elections.

Supervisors may canvass returns for cities.

CHAPTER 615.

*An act to regulate the sale of eggs that have been shipped or imported into the State of California from any point or place outside of the United States, requiring the marking thereof by all persons selling or offering the same for sale, and fixing penalties for the violation of the same or of any of the provisions thereof.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. For the purposes of this act the words "person, firm, company or corporation" shall include wholesalers, retailers, jobbers, and every place where eggs that have been shipped or imported into the State of California, from any

Wholesalers, etc., importing eggs.

point or place outside of the United States, are sold or offered for sale.

Imported  
eggs to be  
branded.

SEC. 2. Every person, firm, company or corporation who sells, offers for sale, or has in his, or their, possession for sale, or consigns, ships or presents to any dealer, commission merchant, consumer, or other person, any egg or eggs that have been shipped or imported into the State of California, from any point or place outside of the United States, shall before so doing, cause to be stamped, marked or branded upon one end thereof in black-faced letters not less than one-eighth of an inch in height, the word "imported."

Sign  
displayed in  
salesroom

SEC. 3. Every person, firm, company, or corporation, selling or offering for sale any eggs that have been shipped or imported into the State of California, from any point or place outside of the United States, shall display in a conspicuous place in his or their public salesroom, a sign, which shall be not less than one foot in height and six feet in length, bearing the words "imported eggs sold here" in black-faced letters not less than six inches in height and one inch in width upon a white ground.

Report to  
state board  
of health.

SEC. 4. Every person, firm, company or corporation who receives eggs that have been produced in any foreign country and shipped or imported into this state shall immediately thereafter make a report to the state board of health, giving the number of eggs received, the date when received and the place where such eggs were produced.

Penalty

SEC. 5. Every person, firm, company or corporation who shall fail to comply with any of the provisions of this act is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months; or by a fine of not more than two hundred dollars, or by both such fine and imprisonment, in the discretion of the court. It shall be the duty of the state board of health to enforce the provisions of this act.

## CHAPTER 616.

*An act to regulate the sale of food and drink, the ingredients of which are in part composed of eggs shipped or imported into the State of California, from any point or place outside of the United States, requiring the marking of all bills of fare or menu cards placed on tables or counters in establishments preparing, serving or offering for sale any such food or drink, and fixing penalties for the violation of the same or of any of the provisions thereof.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

"Person,"  
etc., means  
hotel,  
restaurant,  
etc.

SECTION 1. For the purposes of this act the words "person, firm, company or corporation" shall include hotels, restaurants, cafeterias, lunch counters, lunch wagons, saloons, soda foun-

tains, bakeries, delicatessens and boarding houses, and every place where food or drink is prepared and offered for sale.

SEC. 2. Every person, firm, company or corporation who prepares or serves, sells or offers for sale, any food or drink, the ingredients of which are in part composed of eggs shipped or imported into the State of California, from any point or place outside of the United States, before so doing shall cause to be printed on all bills of fare or menu cards placed on his or their tables or counters, in black-faced letters not less than one-eighth of an inch in height, the words "imported eggs used here."

Menu cards to bear "imported eggs used here."

SEC. 3. Every person, firm, company or corporation preparing, serving, selling or offering for sale any food or drink, the ingredients of which are in part composed of eggs shipped or imported into the State of California, from any point or place outside of the United States, shall display in a conspicuous place in his or their public salesroom, a sign, which shall be not less than six inches in height and three feet in length, bearing the words "imported eggs used here" in black-faced letters not less than three inches in height and one-quarter of an inch in width, upon a white ground.

Sign displayed in salesroom

SEC. 4. Every person, firm, company or corporation who shall fail to comply with any of the provisions of this act is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months; or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court. It shall be the duty of the state board of health to enforce the provisions of this act

Penalty.

CHAPTER 617.

*An act to regulate the placing of cards in all packages or wrappers enclosing manufacturers' food products, before being sold or offered for sale, which are composed in part of eggs shipped or imported into the State of California, from any point or place outside of the United States, and fixing penalties for the violation of the same or of any of the provisions thereof.*

[Approved June 4, 1915 In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. For the purposes of this act the words "person, firm, company or corporation," shall include biscuit companies, cracker companies, bakeries, manufacturers of food products, and every person manufacturing and selling food products in packages.

"Person," etc., includes bakeries, etc.

Package food  
product  
containing  
imported  
eggs to  
carry card.

SEC. 2. Every person, firm, company or corporation who sells, or offers for sale, any manufactured food product, the ingredients of which are in part composed of eggs shipped or imported into the State of California, from any point or place outside of the United States, shall, before so doing, cause to be placed in each package or wrapper enclosing such manufactured food product, a white card one and one-half inches in height and three inches in length, on one side of which shall be printed or stamped in legible black-faced letters, the words "imported eggs used in the manufacture of this article," and no other words, letters or figures shall be printed or stamped on the same side of the card.

Penalty

SEC. 3. Every person, firm, company or corporation who shall fail to comply with any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months; or a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court. It shall be the duty of the state board of health to enforce the provisions of this act.

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## CHAPTER 618.

*An act to amend section four hundred seventy-five of an act entitled "An act to establish a Political Code," approved March 12, 1872, providing for the appointment by the attorney general of clerks, phonographic reporter, service agents and stenographers, and fixing their salaries.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

Clerks, etc.,  
of attorney  
general.

475. The attorney general may appoint two clerks, one phonographic reporter, one service agent, and five stenographers for his office. The annual salary of each of said clerks and of the phonographic reporter and of the service agent shall be eighteen hundred dollars; the annual salary of each of said stenographers shall be twelve hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of state officers are paid. The clerks, the phonographic reporter, the service agent, and the stenographers shall be civil executive officers. The service agent and two of said stenographers, to be designated by the attorney general, shall be exempted from the provisions of the civil service act and shall hold their positions during the pleasure of the attorney general.

CHAPTER 619.

*An act to amend sections three thousand six hundred eighty-two, three thousand six hundred ninety-two, three thousand six hundred ninety-six, three thousand seven hundred fourteen, three thousand seven hundred thirty-two, three thousand seven hundred thirty-seven, three thousand seven hundred forty-six, three thousand seven hundred fifty-six of the Political Code, relating to the assessment, equalization and collection of taxes.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section three thousand six hundred and eighty-two of the Political Code of the State of California is hereby amended to read as follows:

3682. The clerk of the board must record, in a book to be kept for that purpose, all changes, corrections, and orders made by the board, and during its session, or as soon as possible after its adjournment must enter upon the assessment book all changes and corrections made by the board, and on or before the fourth Monday of July must deliver the assessment book so corrected to the county auditor, and accompany the same with an affidavit thereto affixed, subscribed by him as follows:

Clerk to record changes, etc., made by board in assessments.

"I, -----, do swear that, as clerk of the board of supervisors of ----- county, I have kept correct minutes of all the acts of the board touching alterations in the assessment book; that all alterations agreed to or directed to be made have been made and entered in the book, and that no changes or alterations have been made therein except those authorized."

Affidavit of clerk

SEC. 2. Section three thousand six hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:

3692 The powers and duties of the state board of equalization are as follows:

Powers of state board of equalization

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the constitution and laws of the state, to govern supervisors when equalizing, and assessors when assessing

3. To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenue of this state

4 To hold regular meetings at the state capital on the second Monday in each month, and such special meetings at any place within the state as the chairman may direct At such special meetings the board may transact any and all business and perform all duties imposed upon it by law and give and enter any and all orders and decrees within its juris-

Meetings

diction; *provided*, that the final action of the board in increasing or lowering a county assessment roll, or the final act in making the assessment of a railroad, shall be performed only at the state capital

5. To meet at the state capital on the first Monday in August, and remain in session from day to day, Sundays excepted, up to and including the third Monday in August.

Equalize  
county  
taxes

6. At such meeting to equalize the valuation of the taxable property of the several counties in this state for the purpose of taxation; and to this end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment roll so as to equalize the assessment of the property contained in said roll and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thousand six hundred ninety-three of this code.

Visits of  
inspection.

7. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable the board of equalization to equalize assessments and levy the taxes as provided by law.

8. To call before the board, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody, and to give testimony on such subjects deemed useful to the board in its investigations.

Issue  
subpoenas

9. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person.

Appoint  
secretary.

10. To appoint a secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board.

Biennial  
report.

11 To report to the governor, biennially, a statement showing:

*First*—The acreage of each county in the state that is assessed.

*Second*—The amount assessed per acre.

*Third*—The aggregate value of all real estate within an incorporated city or town.

*Fourth*—The aggregate value of all real estate in the state.

*Fifth*—The kinds of personal property in each county, and the value of each kind.

*Sixth*—The aggregate value of all personal property in the state.

*Seventh*—Any information relative to the assessment of property and the collection of revenue.

*Eighth*—Such further suggestions as it shall deem proper.

12. To keep a record of all its proceedings

13. To require any person having knowledge of the business of any railroad company, the assessment of which is to be made by the board, or having the custody of the books, accounts, and papers of such company, to attend before the board, or any member thereof, and bring with him for inspection any books, accounts, or papers, of such company in his possession and under his control, and to testify under oath touching any matter relating to the organization or business of such company.

Railroad assessments.

14. To examine the books, accounts, and papers of all railroad companies required by law to report to the board, and to employ an expert accountant or accountants to assist in the examination of the books, accounts, and papers of any company when in the judgment of said board the exigencies of the case may so require.

Examine railroad accounts.

15. Any officer, employee, or agent of a railroad company required to report to the board, or any county officer, or witness, duly subpoenaed, who shall refuse or neglect to attend before the board, or any member thereof, or shall refuse to bring with him and submit for inspection any books, accounts or papers in his possession, custody, or control, or shall refuse to answer any questions put to him by any member of the board, touching the matters under investigation by the board, shall be deemed guilty of contempt, and may be punished by a court of competent jurisdiction, by imprisonment in the county jail, not to exceed five days, or by a fine of not to exceed five hundred dollars, or by both such fine and imprisonment.

Penalty for railroad officers refusing to answer.

SEC. 3. Section three thousand six hundred ninety-six of the Political Code is hereby amended to read as follows:

3696. On the third Monday in August, of each year, the board must determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state, which, after allowing five per cent for delinquencies in collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the legislature for state purposes. The board must immediately thereafter transmit to the board of supervisors and county auditor of each county, a statement of such rate, and upon its receipt the clerk of said board and county auditor must each, in writing, notify the state board of equalization thereof.

Determination of state tax rate.

SEC. 4. Section three thousand seven hundred fourteen of the Political Code is hereby amended to read as follows:

3714. The board of supervisors of each county must, on the first Monday of September of each year, fix the rate of county taxes, designating the number of cents levied for each fund on each one hundred dollars of property, and must levy the state and county taxes upon the taxable property in the county; *provided*, that it shall not be lawful for any board of supervisors of any county in the state to levy, nor shall any tax greater than fifty cents on each one hundred dollars of property be levied and collected in any one year, to pay the bonded indebtedness, or judgment arising therefrom, of this state, or of any county or municipality in this state.

County tax rate.

Tax to pay bonds

SEC. 5. Section three thousand seven hundred thirty-two of the Political Code is hereby amended to read as follows:

Auditor  
delivers  
assessment  
book to  
tax  
collector.

3732. On or before the fourth Monday in September, he must deliver the corrected assessment book to the tax collector, with an affidavit attached thereto, and by him subscribed as follows:

"I \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do swear that I received the assessment book of the taxable property from the clerk of the board of supervisors, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the state board of equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations, taxes, and acreage, as required by law."

SEC. 6. Section three thousand seven hundred thirty-seven of the Political Code is hereby amended to read as follows:

Auditor's  
statement  
to  
supervisors.

3737. The auditor must, on or before the meeting of the board of supervisors on the first Monday in September, prepare a statement, in duplicate, showing:

*First*—The indebtedness of the county, funded and floating, the amount of each class, and the rate of interest borne by each class of such indebtedness, or any part thereof

*Second*—A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury subject to the payment of such indebtedness.

*Third*—The rate of taxation for county purposes, as shown by the last tax levy made by the board.

*Fourth*—The assessed value of all property, in detail, for the year.

*Fifth*—Such other information as the board of supervisors or the controller of the state may require.

Copies filed

One of the statements mentioned in this section must be filed with the board on the first Monday in September, and the other forwarded immediately, by mail or express, to the controller of the state. The controller shall include in his biennial report to the governor a digest and synopsis, in tabular form, of all reports received by him under the provisions of this section. Any auditor failing to furnish such statement within the time prescribed by law, or to forward to the controller as herein directed, forfeits to the county one thousand dollars, to be recovered in an action brought by the district attorney in the name of the county.

SEC. 7. Section three thousand seven hundred forty-six of the Political Code is hereby amended to read as follows:

Publication  
of  
collector's  
notice that  
taxes  
are due,  
etc.

3746 On or before the third Monday in October, the tax collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on the third Monday in October, and will be delinquent on the first Monday in December next thereafter, at six o'clock p.m., and that unless paid prior thereto fifteen

per cent will be added to the amount thereof, and that if said one-half be not paid before the last Monday in April next, at six o'clock p.m., an additional five per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in April, next thereafter, at six o'clock p.m., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2 That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made.

SEC. 8. Section three thousand seven hundred fifty-six of the Political Code is hereby amended to read as follows:

3756. On the first Monday of December of each year, at six o'clock p.m., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional fifteen per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at six o'clock p.m., he shall collect an additional five per cent thereon. On the last Monday in April of each year, at six o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; and *provided, further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

When taxes are delinquent.

CHAPTER 620.

*An act authorizing any city, city and county, county, town, municipality or other political subdivision to acquire certain liens or property offered for sale for the non-payment of certain assessments.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Whenever any city, city and county, county, town, municipality, or other political subdivision, shall have instituted any proceeding for the construction or maintenance of any public improvement or for the acquisition of land or property necessary therefor, and the cost or expense of the construction, acquisition or maintenance of any such improvement, or of such land or property, is required by law to be paid for in whole or in part by an assessment levied upon

Exclusive right of cities, etc., to acquire property sold for unpaid assessments.

property benefited thereby in the manner provided by the law pursuant to which such improvement is constructed, acquired or maintained, and which law provides for the sale of the property upon which any such assessment is levied in case of the non-payment thereof, the city council or other legislative body of the city, city and county, county, town, municipality or other political subdivision instituting such proceedings, shall by one of its officers designated by the city council, or other legislative body for such purpose, have the right, to the exclusion of other bidders, to acquire, at the sale for delinquency authorized by the law appertaining to the proceedings so instituted, any lien which shall accrue, or any property which is required to be sold, for the non-payment of any such assessment or any delinquency incurred by the non-payment thereof.

Property  
may be  
assigned,  
etc.

SEC. 2. Any lien, or any property acquired by any city, city and county, county, town, municipality, or other political subdivision under the provisions of this act, may be released, assigned, sold or otherwise disposed of by such city, city and county, county, town, municipality, or other political subdivision in the manner prescribed by ordinance adopted by the city council or other legislative body thereof; *provided, however*, that no such release, assignment, sale or other disposition of any such lien or any such property shall be so made unless there shall be first paid to such city, city and county, county, town, municipality or other political subdivision, a sum of money equal to not less than the amount paid therefor, all accrued penalties and delinquencies and necessary expenses incurred, plus interest on said sum at the rate of two per cent per month from the date of the acquisition of such lien or property.

Fund for  
such  
purchase.

SEC. 3. Any city, city and county, county, town, municipality, or other political subdivision, is hereby authorized to provide a fund and to expend the same or to expend money from the general fund, for the purchase or acquisition, as herein provided, of any lien which shall accrue, or any property which is required to be sold, for the non-payment of any such assessment or any delinquency incurred by the non-payment thereof.

CHAPTER 621.

*An act to be known as "the California irrigation act" providing for co-operation between the State of California and the United States and independent proceedings in the storage and diversion of water, the distribution thereof for irrigation, the manufacture of power and for domestic purposes; creating an irrigation board to form water districts, make contracts, construct reservoirs, divert and distribute water, generate, lease and sell electric current, lease water power, levy assessments, issue bonds of water districts; providing for the management, control and supervision of such water districts and of the works constructed pursuant to this act; directing the state department of engineering relative to such works; authorizing irrigation districts to reorganize under this act and generally providing a policy relating to storage, diversion and use of water, and adopting a plan for providing revenues therefor.*

[Approved June 4, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby created "the irrigation board," hereinafter called "the board," which shall consist of three members, and which shall constitute a body corporate and politic for the purpose of exercising the powers and performing the acts herein mentioned, and which shall have power to sue and be sued. Within thirty days of the date upon which this act takes effect the governor shall appoint the members of the board and the members so appointed shall serve for four years and until their successors have been appointed. Their successors shall be appointed and all vacancies shall be filled by appointment in like manner. The office of the board shall be at the city of Sacramento; *provided*, that the board may maintain an office in the city of San Francisco.

Irrigation board created.

Office.

SEC. 2. It is hereby declared that the State of California has a paramount interest in the storage and diversion of water, the irrigation of land and the production of electric power; that such storage and irrigation will make productive vast quantities of land that are comparatively unproductive and will increase production, property valuations and population in the state, make profitable the cultivation of small tracts and promote subdivision of larger tracts, and will promote the welfare and prosperity of all the people. The powers herein

Interest of state in water storage paramount.

conferred upon the board are hereby declared to be police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to the public interests.

Projects for  
storage of  
water, etc

SEC. 3. The board is hereby empowered to confer with any authorized department, board or officer of the United States government, and to agree upon surveys and examinations to be made of any and all projects for the storage or diversion of any unappropriated or public waters within the State of California, the distribution of said waters and the generation, sale and distribution of electric power, and to agree upon a plan for such project and to make contracts for the administration, construction, supervision and maintenance of such works or the acquisition of a water supply. Such plan or project, when finally approved by the board and said department, board or officer of the United States government, shall become the official plan of the State of California for such purpose, subject to such modification and changes as may from time to time be approved by the board. All contracts, rules and regulations, shall conform to the laws of the United States and the State of California in so far as said laws relate to the subject of storage, diversion, distribution and use of water, and the manufacture, sale and distribution of electric current.

State  
engineering  
department  
to make  
surveys.

SEC. 4 The state department of engineering shall make such surveys, examinations and reports as may be required by the board in co-operation with the United States, whenever said board has under its control money available with which to pay the expenses of such surveys, examinations and reports. All supervision of construction and distribution on behalf of the State of California shall be exercised by the state department of engineering under such contracts and regulations as may be made by the board, or agreed upon between the board and the United States.

Power to  
prescribe  
boundaries.

SEC. 5. The board shall have power to prescribe the boundaries of any territory that will be benefited by any storage reservoirs, canals, ditches or other works approved by the duly authorized engineers of the United States to be constructed pursuant to this act for the purposes of storing or distributing water for irrigation or domestic uses and to form such territory into water districts for the purpose of supervision, taxation, assessment or bonding. Before any water district shall be formed the consent to such formation shall be presented in writing to the board, signed by a majority of the owners of real estate, excluding incorporated cities and towns, and a majority of the assessed valuation of real estate, excluding incorporated cities and towns, as shown by the last equalized assessment roll of the county or counties in which any of said lands are situated within the boundaries of said proposed district and upon the presentation of such consent the board shall give notice by publication for four weeks in a newspaper published in each of the counties in which any part of such proposed water district shall be situated, which said notice shall describe the exterior boundaries of such proposed

Formation  
of water  
districts.

Publication  
of notice.

water district and shall designate a time and place within said proposed water district, when and where objections to the creation of such district will be heard. At the time and place designated in said notice said board shall meet, and any person owning land within said proposed water district may appear and present written objections to the creation of such water district. The board shall hear such evidence as may be offered upon the subjects mentioned in said written objections, and may make an order creating such water district as described in said notice, or may change or modify the boundaries thereof in their discretion. A certified copy of the order creating such water district shall be filed in the office of the secretary of state. The board may, in its discretion, create water districts comprising portions of an entire territory that will be benefited by any of the works herein mentioned, and may apportion to each of said districts such share or proportion of the entire estimated cost of the proposed works as may to said board appear equitable and may cause assessments to be made in accordance with such apportionment. The decision of the board upon the formation of a water district shall be final. Before any water district shall be created the project and proposed works must be approved by the state engineer and by the duly authorized engineers of the United States.

Hearing.

Apportionment of costs.

Approval of project.

SEC. 6. The directors of any irrigation district susceptible of irrigation from any project adopted by the board may, order an election to determine whether or not such irrigation district shall become a water district under the provisions of this act and said directors must order such election upon request of the board or upon a petition signed by the owners of twenty-five per cent of the land in such irrigation district. Said election must be ordered and held in the manner provided by law for holding elections in irrigation districts. Returns of said election shall be made to the board, and if it appears from said returns that two-thirds of the votes cast at said election were in favor of said irrigation district becoming a water district the board shall proceed to give notice of a hearing, and to hear objections to the formation of such water district, as in this act provided for the formation of water districts. Upon said hearing the board must make an order forming said irrigation district into a water district under this act, or may in its discretion decline to form such district. If the board shall make an order forming a water district of said irrigation district, the land therein situated shall immediately become subject to all the provisions of this act. Such irrigation district shall not cease to exist but shall in all respects continue to exercise its powers, excepting so far as such powers shall be in conflict with the powers of the board under this act. The water districts created under the provisions of this act shall have a board of directors elected by the owners of the land in such district, voting by acreage, each land owner being entitled to cast one vote for each acre or fraction of an acre. Said election shall be held upon the

Irrigation district may become water district.

Hearing

Irrigation district shall not cease.

Water district board.

order of the board upon such notice and in such manner as it may prescribe by general rules. Every such water district and every irrigation district operating under the provisions of this act may direct and control the local distribution of water within its boundaries. In irrigation districts that shall be formed into water districts the directors shall act as directors of such water districts.

When  
works  
benefit  
overflowed  
lands

SEC. 7. When any of the works constructed under the provision of this act serve the purpose of flood control or reclamation of swamp or overflowed land, the board may estimate the proportion of the cost of said construction, which may be properly charged to the lands benefited by such flood control or reclamation, and with the approval of the reclamation board assessments may be levied, in the manner herein provided, upon the lands so benefited for the purpose of paying such proportion of said cost of construction, together with a reasonable proportion of the expense of maintenance and repair of said works. For the purpose of such assessment the board may create a water district in the manner provided in this act embracing the lands so benefited.

Rules and  
regulations.

SEC. 8. The board may make and enforce any and all rules and regulations that in its opinion will promote the objects of this act, and may perform any act and exercise any power necessary to the accomplishment of the purposes herein expressed and full power is hereby conferred on the premises whether or not such powers are herein specially mentioned, and may sue and be sued in the same manner and with the same effect as a municipal corporation.

Member  
may  
conduct  
hearing.

SEC. 9. For the purpose of performing any duty under this act the board may appoint one of its members to conduct any hearing or investigation. Such member shall make a written report of his proceedings and shall state the evidence introduced at any hearing and his conclusions thereon. Upon such report, or upon such further inquiry as the board shall deem proper, the board may pass upon and decide any question under consideration at said hearing or investigation. The decisions of the board shall be final except as to questions, the determination of which are vested in the courts by this act or by the constitution of this state or by the constitution of the United States.

Apportion-  
ment of  
water.

SEC. 10. The board shall, prior to making an assessment in any water district that is to be served from a source common to more than one district, apportion to each water district under such project, the proportion of any water stored or diverted in the project for the irrigation of such district, which proportion of said water shall be forever applied to the purposes of said district to the full extent that such water may be beneficial to the land therein. All works constructed at the expense of any water district, or districts, or for which such district or districts, are assessed or charged for repayment of money expended for construction, shall forever be

devoted to the purposes of such district or districts, under the administration of the board. No rates shall be charged for use of water for irrigation in any water district, except for the just proportion of such district for the expense of maintenance, repair and supervision of the works created for the benefit of such district, and except for re-payment of money appropriated and paid for cost of construction of said works and the payment of bonds issued therefor.

Rates

SEC. 11. The board shall have power to contract with the United States and with the State of California for repayment of money appropriated or expended in the construction of reservoirs, canals, ditches or other works necessary or convenient for the purpose herein mentioned. Such repayment to be made from assessments upon the land benefited by such works, the issuance of bonds or from rates and charges to be fixed by said board for water, power or electric current furnished for the purposes herein mentioned, or from either, all or any of said methods of repayment. The board may also deposit with the United States and with the state, bonds and interest coupons of such water districts said bonds or interest coupons to be collected and the proceeds to be applied to said repayment upon such terms as may be agreed upon between the board and the United States or the State of California.

Power to contract for repayment of money expended.

SEC. 12. The board shall have power to acquire within such water district, from persons, associations or corporations, by purchase, condemnation or other lawful means, any land, water, water rights, reservoirs, or other works or property necessary or convenient for the purposes herein mentioned.

Power to purchase land, etc., needed.

SEC. 13. The board shall elect one of its members as president, employ a secretary and such other assistants as it may require and shall fix their compensation. Each member of the board shall receive the sum of ten dollars per day for each day employed by such member in the performance of duties under this act, and shall receive actual traveling expenses while engaged in such duties; all salaries and expenses to be payable out of any funds under the control of the board applicable to said payments.

President of board.

Compensation.

SEC. 14. The board shall have power to execute contracts for the performance of any act or the construction of any works herein mentioned and may make contracts for sale or rental of water power or electric current for a period not exceeding forty years, upon such terms as said board shall prescribe. All revenues received by the board from said sales or rentals shall be apportioned to the water districts that have been assessed or otherwise charged for the construction of the project from which said revenues are derived. Such apportionment shall be made in the ratio of the respective amounts of assessments levied or charges made for the construction of the works of the project from which said rentals are received.

Power to make contracts.

SEC. 15. Whenever, in the opinion of said board it shall be necessary to levy an assessment upon the lands within a

Levy of assessments.

water district for any of the purposes herein specified, said board shall make an estimate of the amount required for such purposes and cause an assessment to be levied upon the lands within said water district for such amount. For the purpose of making any such assessment the board shall appoint an assessor who shall be a disinterested person, and shall have no interest in any real estate within the water districts for which he may be appointed, and before entering upon his duties said assessor shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessor must assess upon the lands, within said water district, the said sum so estimated by the board and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums specified in the said estimate of the board, said assessor shall make a separate list of the lands so assessed in each county where any of said land is situated, which list shall contain a description of the tracts of land assessed in such county, by legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known, or if unknown, that fact and the amount of the charge assessed against each tract. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. Said lists, when completed, shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands in said district are situated, a copy of the assessment list for such county, and the same shall be open for inspection by the public for at least thirty days. The board shall appoint a time and place, not less than thirty days after said list has been filed with the said treasurer, when and where it will meet in such county for the purpose of hearing objections to said assessment, and notice of such hearing shall be published for two weeks in some newspaper published in said county. At any time before the date of such hearing any person interested in any real estate upon which any charge has been assessed may file in the office of the secretary of the board written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may re-apportion all or any part of the entire assessment. No assessment shall be increased without notice to the owner of the land upon which such increase is to be made. The board must make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence of the validity of said assessment, and no

Lists of  
lands  
assessed.

Hearing.

Order of  
approval.

action or defense shall ever be maintained attacking the said assessment in any respect. The board, upon ten days notice to the person filing said objections shall meet and after such order has been made by the board in any county, said assessment list shall be certified by the secretary of the board to be correct, and such assessment shall thereafter constitute a lien upon the lands so assessed and shall impart notice to all subsequent purchasers or membrancers, or other persons acquiring any interest in or lien upon said land, and all unpaid assessments shall bear interest at the rate of two per cent per annum, and shall be paid to the county treasurer in separate installments of such amounts, and at such time, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct. If any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto. Immediately after the said installment has become delinquent, the board must publish a notice at least once a week for three weeks in some newspaper, of general circulation published in the county, where the land is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the percentage that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, in front of the court house of said county, to pay said installment with accrued interest and the percentage hereinbefore mentioned. At the time stated in said notice or such other time to which said sale may have been postponed, the board must cause said property to be sold to the highest bidder for gold coin of the United States. Out of the proceeds of said sale, the board must pay the amount of said installment with accrued interest thereon, and the percentage herein provided, to the county treasurer of such county, and the board must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The sale may be postponed from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and percentage, the board shall become the purchaser, and the said property must be struck off to the board for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the president of the board to the purchaser, or to the board, if the property shall have been struck off to the board, and said certificate of sale shall be recorded in the office of the county recorder of

Assessment constitutes lien.

Delinquent

Publication of delinquency notice.

Sale of property.

Disposition of proceeds.

Board may purchase

Certificate of sale

Redemp-  
tion.

the county in which the land is situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of ten per cent per annum from the date of said sale. If no redemption shall be made within said one year, the purchaser, or the board, if said property shall have been sold to the board, shall be entitled to a deed executed by the president of said board. The effect of such deed shall be to convey said property subject to all liens and incumbrances, for state, county and municipal taxes, assessments previously levied by statutory authority and the unpaid balance of assessments made in said water district, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where property shall have been deeded to the board and shall not have been sold, the same shall not be offered for sale for subsequent installments of assessments, so long as the board shall remain the owner of said property, but the board may sell said property at any time at public auction after notice given for the same period and in the same manner as herein provided for sale for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest, and the deed executed in pursuance of such sale shall convey said property subject to state, county and other municipal taxes, assessments levied or assessed by statutory authority and the installments of said assessments of said water district, which have not been called in, which balance must be called in and collected in the same manner as other assessments. All money collected upon sales, or otherwise, in each water district, shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money, collected by the treasurer of the county in which the land is situated, and said money, together with all other money collected by the treasurer or by the board, shall be deposited in the state treasury to the credit of said water district in a fund which is hereby created and known as the

Deed

Sale of  
property  
deeded to  
board.Money  
paid to  
county  
treasurer.

Warrants.

----- water district fund and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the said board shall be presented to him and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said water district. In case there are not sufficient funds for such purpose, the state treasurer shall endorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money by said district, and the period prescribed for the commencement of an action upon said warrants is four years from the date thereof. The board may extend

the period for payment of any warrant for an additional period of four years upon application of the owner of such warrant. Whenever there is sufficient money in the treasury, applicable to the payment of any outstanding warrants of the district, the state treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the county in which the greater portion of such district is situated. After the last publication of said notice the warrants therein mentioned shall cease to bear interest. In all cases in which an assessment shall be levied upon the lands embraced within a water district, if, for any reason, any tract or tracts of land shall not have been legally charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the purposes for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the said assessment. The compensation of assessors shall be fixed and allowed by the board. Assessments in accordance with the provisions of this act may be levied and assessed upon lands in each water district benefited, for the purpose of refunding money advanced by the state or federal government for the construction of the works herein specified. Such money so advanced to bear interest at such rate as may be agreed to by the board.

Lands not charged with assessment

Assessors' compensation.

Sec. 15a. Before it can be considered that the United States government has sanctioned any project or projects as herein provided it must be shown that such project or projects have been officially approved by a special board of review appointed by the secretary of the interior of the United States and such approval shall not be final until the secretary of the interior of the United States has sanctioned the same.

Approval of U. S government

Nothing herein contained shall be construed to give the board power to interfere with, extend upon, or appropriate in any manner the territory embraced within the boundary of any present established irrigation district organized and existing under and by authority of the act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and all acts amendatory thereof, unless consent thereto has been first obtained by a two-thirds vote of the qualified electors of any such irrigation district as aforesaid.

No power to interfere with established irrigation districts.

Sec. 16. Whenever in any water district, created by the said board or which may hereafter be formed in pursuance of this act, any assessment has been levied and assessed upon

Bond elections.

the lands of said water district by said board and remains unpaid in whole or in part, and wher, in the judgment and opinion of the said board it would be for the best interests of said district, or the land owners therein, to issue bonds for the purpose of obtaining money for the purposes herein specified, or any other legal charge, the board shall, by order entered upon the records of the board cause an election to be held in such district, at which election shall be submitted to the owners of real estate in such districts the question whether or not bonds of such district shall be issued. Said election shall be held in the manner provided in section 6 of this act, and each owner of real estate shall be entitled to cast one vote for each one dollar (\$1.00) of valuation of real estate owned by him in the district, as shown by the last assessment roll of the county in which said district is situated. If a majority of said votes shall be in favor of the issuance of bonds the board shall direct that bonds of said district shall be issued in an amount not exceeding the amount of such assessment or the part of such assessment remaining unpaid. The board shall cause bonds in the amount stated in the said order to be executed. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars; they shall be signed by the president of the said board and attested by the state controller and shall be numbered consecutively as sold and bear date at the time of their execution and shall bear interest at a rate to be fixed by the board, with coupons attached, payable at such dates as may be fixed by the board. If said coupons shall not be paid when presented on account of no funds, the treasurer shall endorse upon such coupons "not paid for want of funds" and thereafter the amount due on such coupons shall bear interest at the rate of six per cent per annum. The coupons for interest shall be numbered the same as the bonds and attested by the facsimile signature of the state controller.

The principal of said bonds shall be payable at the office of the state treasurer at such times as the board may direct, which time must be expressed in said bonds but not less than five per centum of the whole amount of bonds issued according to their consecutive numbers, shall be paid within ten years from the date of their issue and no less than five per centum thereof each succeeding year thereafter until all are paid. All bonds must be made payable either on the first day of July or the first day of January. If any bond shall not be presented for payment when the same becomes due it shall cease to draw interest, but if presented at such time and not paid for want of funds, the said treasurer shall so endorse it and thereafter such bond shall bear interest until paid at said rate of six per centum per annum until funds shall have been provided for its payment. Said bonds shall be substantially in the following form:

Denomina-  
tion of  
bonds.

Interest

Payment of  
principal.

STATE OF CALIFORNIA.

Form of bonds.

No. \_\_\_\_\_ water district.  
\$ \_\_\_\_\_

The state treasurer of the State of California, will pay to the holder hereof, out of the funds of \_\_\_\_\_ water district, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the sum of \_\_\_\_\_ dollars, in gold coin of the United States, with interest in like gold coin at the rate of \_\_\_\_ per centum per annum upon the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is issued by authority of the irrigation board of the State of California.

In witness whereof said irrigation board has caused this bond to be signed by its president and attested by the state controller of said state, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

-----  
President of the irrigation board.

Attest:

-----  
State controller.

The interest coupons shall be in substantially the following form: Interest coupons.

The state treasurer of the State of California will pay the holder hereof on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in gold coin, out of the funds of \_\_\_\_\_ water district, for interest on bond numbered \_\_\_\_\_ of said water district.

-----  
State controller.

The board shall place the bonds prepared pursuant to this act to the credit of the water district in which the underlying assessment has been levied, and may in its discretion sell all or any of said bonds for the best price obtainable therefor, but in no event for less than the par value of said bonds and the accrued interest thereon. Before making a sale of said bonds notice shall be given by the board that it will sell a specified amount of said bonds and stating the day and place of such sale. Such notice shall state that sealed proposals will be received by it for the purchase of said bonds or any part thereof until the day and hour named in the notice. Such notice shall be given at least ten days before such sale by publication in a newspaper of general circulation published in the county of Sacramento and in such other newspapers as the board may designate. At the time appointed the board shall open the bids and award the purchase of the bonds to the highest bidder. The board shall deposit all moneys derived from the sale of said bonds in the state treasury to the credit of said water district as in this act provided and said moneys shall be paid out upon warrants of the state controller in the same manner

Sale of bonds

Publication of notice.

as herein provided for the withdrawal of moneys collected and paid into said fund from assessments. The board shall keep a proper record of all sales of bonds. Said bonds are hereby declared to be conclusive evidence of the validity of the proceedings upon which they are based and no action or defense shall ever be made attacking their validity. The board may draw drafts upon the state controller to pay any legal charge against a water district out of the funds provided by sale of bonds of said water district, and the controller is hereby directed to issue warrants upon the fund of said water district whenever orders of the board shall be presented to him, and the state treasurer is hereby directed to pay said controller's warrants out of any money in said funds received from the sale of said bonds, then remaining in said treasury to the credit of said district; and no order upon the said controller shall be issued by the board unless there are sufficient funds in said treasury to the credit of said water district to pay said order. The principal of said bonds and the interest thereon shall be paid by revenue derived as follows: Ninety days before any sum shall become due or payable on account of the principal or interest, or both, of said bonds the board shall direct that such installments of the assessment theretofore levied on the lands of said district and upon which the bonds were issued as may be necessary to pay the same shall be collected in the manner provided in this act and paid into the county treasury of the county in which the greater portion of said water district is situated. The county treasurer shall forthwith deposit all moneys collected as aforesaid in the state treasury to the credit of the bond fund of said water district. Should default be made in the payment of any such installment, or any part thereof, the same shall be collected in the manner provided in this act for collection of assessments and sales of land from delinquency. No part of the money collected upon the assessment or assessments, for which said bonds were issued, shall be used for any purposes other than the payment of the principal and interest of said bonds and all sums received by the treasurer from said assessments and deposited in the state treasury as aforesaid, shall be set apart as a separate fund to be known as the "bond fund" for the payment of said bonds and the interest thereon. Such payments must be made upon the principal of said bonds in the order of their maturity. Upon a sale of any of said bonds the board is hereby authorized to accept valid outstanding warrants of the district for which the bonds were issued, with the accrued interest thereon, in payment for said bonds. If the assessment in any water district, upon which bonds may have been issued, proves inadequate to provide funds to pay the principal and interest of said bonds in full, or if any deficiency arises, another assessment must be made upon the lands in such district sufficient to pay such deficiency, and additional assessments must be made

Evidence  
of validity.

Payment  
of charges  
against  
district.

Payment of  
principal  
and  
interest.

"Bond  
fund"

When  
assess-  
ment is  
madequate.

from time to time to meet any deficiency arising in the payment of said bonds. The bonds of any water district issued pursuant to this act may be lawfully purchased or received in pledge for loans by banks, trust companies, guardians, executors, administrators, special administrators or by the State of California, or any public officer or officers of the said state or of any county, city, or city and county or other municipal or corporate body within said state, having or holding funds which they are allowed by law to invest or loan.

Bonds may be purchased by banks, etc.

SEC. 17. Nothing in this act contained shall affect, or apply to, any irrigation, protection, flood control, conservation, or other improvement district wholly or in part within any county which has adopted a charter pursuant to section seven and one-half of article eleven of the constitution of California, ratified and approved as provided therein, or within any city and county; and said board shall have no power of jurisdiction within any of said districts or within such counties or city and county.

Act not applicable

CHAPTER 622.

*An act to amend section four thousand seventy-five and section four thousand seventy-six of the Political Code, relating to payment and form of claims against the county.*

[Approved June 4, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand seventy-five of the Political Code is hereby amended to read as follows:

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular service rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board, or with the auditor, according to the procedure prescribed for the particular county, within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact and give time to have the claim itemized and reverified; *provided*, that the verification of claims may be dispensed with as provided in section four thousand and seventy-six of this code.

Claims against county to be itemized.

SEC. 2. Section four thousand seventy-six of the Political Code is hereby amended to read as follows:

Claims to be filed with clerk.

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk, or with the auditor as prescribed in the preceding section, three days prior to the time of the meeting of the board at which it is asked to be allowed. Such demand shall be made out in form substantially as follows:

Form.

Clerk's memoranda, No. \_\_\_\_\_ fund.

Demand of \_\_\_\_\_, dated \_\_\_\_\_, in sum of \$\_\_\_\_\_ for \_\_\_\_\_.

Allowed by the board of supervisors, \_\_\_\_\_, 19\_\_\_\_, in sum of \$\_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of the board.

Demand of \_\_\_\_\_

No. \_\_\_\_\_ Fund \_\_\_\_\_

Demand on the treasury of the county of \_\_\_\_\_, State of California, for the sum of \_\_\_\_\_ dollars, being for \_\_\_\_\_

Date	Items	Dollars	Cents
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
		\$_____	_____

Expenditures authorized and approved by me.

STATE OF CALIFORNIA, }  
County of \_\_\_\_\_ } ss.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

County clerk.

Allowed by the board of supervisors, \_\_\_\_\_, 191\_\_\_\_, in the sum of \$\_\_\_\_\_, payable out of \_\_\_\_\_ fund.

Attest: \_\_\_\_\_

Clerk of board of supervisors.

Countersigned: \_\_\_\_\_  
Chairman board of supervisors

Warrant No. \_\_\_\_\_  
Approved, \_\_\_\_\_, 19\_\_\_\_\_.

County auditor.

No \_\_\_\_\_ Registered \_\_\_\_\_, 19\_\_\_\_\_

County treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he approves said demand, indorse upon it "approved," date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so approved and signed by the auditor, shall constitute the warrant on the treasury, within the meaning of this chapter, except as hereinafter provided; *provided, however*, that whenever a county causes its accounts to be reorganized in a manner which will enable said county to determine by its accounts the correctness of claims presented for payment, the board of supervisors of said county may modify the form hereinabove prescribed for the submission of claims by eliminating therefrom the affidavit of claimant and may dispense with the necessity of such or any affidavit; *provided, further*, that the board of supervisors of any county may in their discretion adopt such other form or forms for the submission and payment of claims and may prescribe and adopt warrant forms separate from demand forms, to the end that the approved demands may be permanently retained in the auditor's office as vouchers supporting the warrants issued, and may prescribe such other procedure for the allowance and payment of claims as may better meet the needs of the particular county, but in such form of claim so adopted shall provide:

Approval of officer.

Form may be modified.

Supervisors may adopt other forms.

*First*—For the approval of the officer directing the expenditure.

Items to be included

*Second*—For the approval of the purchasing agent or other officer issuing purchase orders, or having charge of contracts or schedules of salaries under which claims may arise.

*Third*—For the certificate of the clerk of the board of supervisors or of the county auditor as to the correctness of the computations.

*Fourth*—For the approval of at least one member of the board of supervisors.

*Fifth*—For the certificate of the clerk of the board of supervisors as to the date and amount of allowance of such claim by the board.

*Sixth*—For the county auditor's certificate of approval.

Such form of warrant, if separate from the demand, shall provide for the statement "ordered paid, by board of supervisors, (date)" or words of similar import, to be signed by the clerk of the board, before being signed and issued by the

county auditor; *provided, further*, that demand and warrant forms and records and the procedure for allowance and payment of claims shall be subject to the approval of the state board of control.

### CHAPTER 623.

*An act to amend an act entitled "An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county irrigation district bonds and the payment thereof;" approved June 13, 1913, by providing for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes in such district; and for the issuance of county waterworks district bonds, and the payment thereof, by amending the title of said act, by amending sections one, two, three, five, six, eight, nine, ten, eleven, twelve, thirteen and fourteen thereof, and by adding a new section thereto, to be known as section seventeen relating to change of name of said county irrigation districts, and to bond issues thereof.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The title of that certain act entitled "An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county irrigation district bonds and the payment thereof;" approved June 13, 1913, is hereby amended to read as follows:

Amended  
title.

An act to provide for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds, and the payment thereof.

SEC. 2 Section one of said act entitled, "An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county irrigation district bonds and the payment thereof," is hereby amended to read as follows:

Formation  
of county  
waterworks  
districts.

Section 1 Any portion of a county, containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a county irrigation district or

county waterworks district, may be formed into a county waterworks district, and provision made for the purpose of supplying the inhabitants of such district with water, in the manner and under the proceedings hereinafter described.

SEC. 3. Section two of said act is hereby amended to read as follows:

Sec. 2. A petition for the formation of such county waterworks district may be presented to the board of supervisors of the county in which the proposed district is located, which petition shall be signed by not less than fifty freeholders, resident within the proposed district, and shall contain:

(1) The name and boundaries of the proposed county waterworks district to be benefited by the said improvement.

(2) A general description of the improvement desired for the purpose of supplying the inhabitants of such district with water, and which may embrace any or all of the following: The acquisition, construction, installation, completion, extension, repair or maintenance of waterworks, structures and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water rights and water service, necessary or convenient for such purpose.

(3) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(4) A request that an election be called in said district for the purpose of submitting to the qualified voters thereof the proposition of forming such district and incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement. Such petition must be accompanied by a map showing the exterior boundaries of the proposed district, with relation to the territory immediately contiguous thereto, and contain a general description of the proposed improvement. There shall also be filed with said petition a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming such district, conditioned that the sureties shall pay said cost, in case the formation of such district shall not be effected.

SEC 4. Section three of said act is hereby amended to read as follows:

Sec. 3. Such petition must be presented at a regular meeting of said board of supervisors, and the board shall thereupon fix a time for hearing the same, and protests of interested parties, not less than twenty-one, nor more than thirty days after the date of presentation thereof. The clerk of the said board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notice shall be headed "Notice of the formation of ----- county waterworks district No. -----" (stating name of county in which the district is located and the number

Petition.

Hearing on petition.

of the proposed district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of such petition, the date and hour set for hearing such petition and protests, briefly describe the proposed improvement, specify the exterior boundaries of the district to be benefited by such improvement and to be taxed to provide for such improvement, and refer to said petition, map and general description of the proposed improvement for further particulars. The said clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and published, as above provided, at least ten days before the date set for the hearing of said petition.

SEC. 5. Section five of said act is hereby amended to read as follows:

Election

Sec. 5. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting thereof after having acquired jurisdiction to proceed, as provided above, provide for and order the holding of a special election in such proposed county waterworks district and the submission to the qualified voters thereof, of the proposition of forming such district and incurring a debt by the issuance of bonds of such district for the purposes set forth in said petition. The ordinance or resolution calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which said special election shall be held, the manner of holding the same, and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be eight per centum per annum, payable semiannually.

Rate of interest.

SEC. 6. Section six of said act is hereby amended to read as follows:

Precincts, polling places, etc

Sec. 6. For the purposes of said election, the board of supervisors shall, in said ordinance or resolution, establish one or more precincts within the boundaries of the said county waterworks district, designate a polling place, and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance or resolution, such election shall be held as provided by law for holding general elections in such county. Said ordinance or resolution ordering the holding of said election shall, prior to the date set for such election, be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation printed and published in said county and designated by said board of supervisors for said purpose, and shall be posted

in three of the most public places in said county waterworks district at least ten days prior to the date set for such election. No other notice of such election need be given. If at such election a majority of the votes cast are in favor of the formation of such district and the incurring of such bonded indebtedness, then the board of supervisors shall enter an order to that effect upon its minutes, declaring said district formed, and said board shall thereupon, be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district to be provided as in this act prescribed.

SEC. 7. Section eight of said act is hereby amended to read as follows:

Sec. 8. The board of supervisors may issue and sell the bonds of such district, authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the county treasury to the credit of the proper county waterworks district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election, as aforesaid; *provided*, that in such case of the annexation of all the territory comprising a county waterworks district to an incorporated city, as provided for in section 13 of this act, subsequent to the authorization of bonds by such district and prior to the issuance and sale thereof, the governing legislative authority of such city is hereby authorized to issue and sell said bonds. The proceeds of the sale of such bonds shall be placed in the city treasury to the credit of the proper county waterworks district fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election, as aforesaid.

SEC. 8. Section nine of said act is hereby amended to read as follows:

Sec. 9. The board of supervisors shall levy a tax, each year, upon the taxable property in such county waterworks district, sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected at the time and in the manner aforesaid each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury and be used for the payment of the principal and interest on said bonds, and for no

Principal and interest

other purpose. The principal and interest on said bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of such county.

SEC. 9. Section ten of said act is hereby amended to read as follows:

Tax for maintaining waterworks.

Sec. 10. The board of supervisors of any county wherein a county waterworks district has been formed under the provisions of this act, shall have the power, in any year after the establishment of such district, to levy a tax upon the taxable property in such district sufficient to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks of said district for the ensuing fiscal year, and said tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the proper fund of said district, and said board shall have the power to control and order the expenditure thereof for said purpose. Said board of supervisors shall also have power to fix and collect rates or charges for the use and supply of water furnished by the system of said county waterworks district, and to apply the receipts from said rates or charges to the expenses of the administration and government of said district and the use, operation and extension of the waterworks and water supply.

Water rates.

SEC. 10. Section eleven of said act is hereby amended to read as follows:

Contracts to lowest bidder.

Sec. 11. All contracts for furnishing the labor, materials or supplies required for any improvement mentioned in this act, shall be let to the lowest responsible bidder. The board of supervisors of the county shall advertise for two or more days in a newspaper of general circulation, printed and published in such county, inviting sealed proposals for furnishing the labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting such county itself, and, when ordered by the board of supervisors thereof, it shall have power, to make the proposed improvement without a contractor therefor, and to purchase the materials and supplies, and employ the labor necessary for such purpose; *and provided, further*, that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the general description of the proposed improvement thereof provided for in section two hereof. Any improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway, or publicly owned right of way in the county, in such manner as to afford security

Contract need not be made.

Improvements along roads.

for life and property; but the board of supervisors of the county shall restore, or cause to be restored, such road or highway, or publicly owned right of way to its former state, as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness.

SEC. 11. Section twelve of said act is hereby amended to read as follows:

Sec. 12. The board of supervisors of any county wherein any such county waterworks district is situated, shall have power to make and enforce all rules and regulations necessary for the administration and government of such district, and for the acquisition, purchase or construction, the use and operation of the waterworks thereof; to appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work provided for in this act; and to perform all other acts necessary or proper to accomplish the purposes of this act.

Rules and regulations.

SEC. 12. Section thirteen of said act is hereby amended to read as follows:

Sec. 13. The title to all property which may have been acquired for a county waterworks district, created under the provisions of this act, shall be vested in the county wherein such county waterworks district is located; *provided*, that whenever all of the territory in such county waterworks district shall be annexed to, or otherwise included within, any municipal corporation owning works for supplying the inhabitants thereof with water, then such county waterworks district shall be deemed dissolved, but said municipal corporation shall have authority to issue and sell any bonds of such district theretofore voted but not issued and sold, as provided in section eight of this act. Upon such annexation, the property of such county waterworks district shall thereupon become the property of such municipal corporation and shall become a part of, and be used in connection with, the works so owned by said municipal corporation; and such municipal corporation and the proper officers thereof shall, as to such property, and as to the levy and collection of taxes to meet the payments of principal and interest on outstanding bonds of such district and the making of such payments, have and exercise the powers and perform the duties vested in and imposed upon the said county, and the board of supervisors and other officers thereof, prior to such annexation or inclusion. All money in the county treasury to the credit of any fund of such county waterworks district shall, upon the annexation or inclusion of such territory, as above provided, be forthwith transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other.

Title to property.

In case of annexation of territory.

Whenever the major portion of the territory of a county waterworks district, created under the provisions of this act, shall be annexed to, or otherwise included within any one municipal corporation, owning works for supplying the inhabitants thereof with water then the board of supervisors of

When major portion of territory is annexed.

the county may lease to said municipal corporation, for periods not exceeding five years each, that portion of the distributing system of said county waterworks district which may be in said portion of said district annexed to or included in such municipal corporation. Such municipal corporation may use said leased distributing system for the purpose of distributing water directly to individual consumers thereon, with the same power of regulating the service of water through the same, and of charging and collecting for said service, as if said leased distributing system were part of the municipally owned water plant of said municipal corporation. The board of supervisors shall, in any such lease, reserve the right to use said leased distributing system for the benefit of that portion of the county waterworks district not annexed to or included in said municipal corporation, to the extent that said leased system is essential to the efficient operation of the balance of the system.

SEC. 13. Section fourteen of said act is hereby amended to read as follows:

Dissolution  
of district.

Sec. 14. Any such county waterworks district may, except as otherwise provided in this act, be dissolved by the board of supervisors as hereinafter provided. Upon receiving a petition signed by fifty or more freeholders and residents of such county waterworks district, requesting the dissolution of such district, the board of supervisors shall fix a time for hearing such petition, which shall be not less than ten nor more than thirty days after the receipt of such petition, and shall, at least five days prior to the time so fixed, publish notice of such hearing by one insertion in a daily, weekly or semi-weekly newspaper printed, published and circulated in said county. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition be granted the board of supervisors shall, by ordinance or resolution, order the dissolution of said district, and such district shall thereby be dissolved; *provided*, that if at the time of the dissolution of said district there be any outstanding bonded or other indebtedness of such district, then taxes for the payment of such bonded or other indebtedness shall be levied and collected the same as if such district had not been dissolved.

SEC. 14 That a new section be added to said act to be known as section seventeen and to read as follows:

Change of  
name.

Sec. 17. The name of any county irrigation district, heretofore organized under the provisions of this act, is hereby changed to "----- county waterworks district No. -----" retaining the same county name and the same number heretofore a part of its name.

Proceedings  
not  
affected.

Any proceedings heretofore taken under the provisions of this act, and any bond issue heretofore voted by any county irrigation district, under the provisions of this act, whether

said bond issue shall have been issued and sold, or not, shall not be affected in any manner, except as in this act provided, by reason of the change of name provided for herein, or by reason of any amendment or change of this act made by the amending act, providing, among other amendments, this section seventeen; but any such proceedings and any such bond issue shall continue and proceed without interruption, in accordance with the provisions of this act amended.

This act may be referred to as the "county waterworks district act" Short title.

CHAPTER 624.

*An act authorizing municipal corporations to permit other municipal corporations and counties to construct and maintain sewers, water mains and other conduits, and pole lines for the transmission of electricity and electric energy in, through, over, along and across its streets and public places, and to construct and maintain sewers, water mains and other conduits and pole lines for the transmission of electricity and electric energy for their joint benefit and at their joint expense, through, over, along and across such streets and public places, and to make and enter into contracts for such purposes, prescribing a method for compelling such use of such streets and public places.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Any municipal corporation, under such terms and conditions as may be prescribed by the city council or other legislative body thereof is hereby authorized and empowered to permit any other municipal corporation or county to construct and maintain sewers, water mains or other conduits and pole lines for the transmission of electricity and electric energy in, through, over, along or across the streets and other public places of such municipal corporation, and to use the same for such purpose under the provisions of this act, and not otherwise. One city may permit another to construct sewers, etc.

SEC. 2. Whenever a city council, board of trustees or other legislative body of any municipal corporation or board of supervisors of any county shall find, and by resolution shall declare, that the location of such municipal corporation or county or any portion of the territory included therein is such that the same can not be adequately or conveniently provided with sewers, water mains or other conduits or with electricity or electric energy, without the construction and maintenance by such municipal corporation or county, of certain sewers, water mains or other conduits or with pole lines for the transmission of electricity and electric energy, connecting therewith, in, over, across or along said streets or other public Resolution submitted.

places of any other municipal corporation or corporations, such city council, board of trustees, board of supervisors or other legislative body may cause a copy of such resolution, certified by the clerk thereof to be submitted to the city council, board of trustees or other legislative body of such other municipal corporation or corporations in which such streets or other public places are situated. Said resolutions shall contain a description of the sewers, water mains or other conduits or pole lines for the transmission of electricity or electric energy proposed to be constructed and maintained in such other municipal corporation or corporations, and shall designate the streets or other public places by name or other proper designation, in, through, over, along or across which such sewers, water mains or other conduits or pole lines for the transmission of electricity or electric energy are so proposed to be constructed and maintained. Said resolution shall contain a description of the sewers, water mains or other conduits, or pole lines for the transmission of electricity or electric energy proposed to be constructed, and maintained in such other municipal corporation or corporations and shall designate the streets or other public places by name or other proper designation, in, through, over, along or across which such sewers, water mains, conduits or pole lines are proposed to be constructed and maintained. Said resolution shall be accompanied by a request in writing, that the municipal corporation or sanitary district, on behalf of which the same was made, signed by the clerk thereof, be granted permission to construct and maintain the sewers, water mains or other conduits or pole lines for the transmission of electricity or electric energy, described in said resolution. The city council or board of trustees or other legislative body of any municipal corporation receiving such request and a certified copy of such resolution, may by ordinance, grant such permission and under such terms and conditions as it shall therein prescribe. If the permission granted under the provisions of this section shall be for the construction and maintenance of sewers, the city council, board of trustees or other legislative body of any municipal corporation granting the same, may, as a condition to the exercise of such permission, require that said municipal corporation shall have the right to connect its sewers and those of its inhabitants with the sewers to be constructed under such permission, and to use the same in connection with its sewer system upon the payment by it of such proportionate part of the cost of construction and maintenance of such sewers to the municipal corporation or county by which the same shall be constructed as may be determined by resolution of its city council, board of trustees or other governing body, or board of supervisors, or both such municipal corporations or such corporation and county as the case may be, such payments to be made at such times and in such amounts as may be determined.

Description  
of sewers,  
etc.

Request  
for  
permission.

Right to  
connect  
sewers.

SEC. 3. All contracts for the construction or completion of any sewers, water mains or other conduits or for such pole lines for the transmission of electricity or electric energy or for furnishing labor or materials therefor, to be constructed by any municipal corporation or county, in, across or along the streets or other public places of any other municipal corporation or corporations as herein provided, shall be let to the lowest responsible bidder. The city council, board of trustees, or board of supervisors or other legislative body of the municipal corporation or county constructing such sewers, water mains or other conduits or such pole lines for the transmission of electricity or electric energy under permission granted as in this act provided, shall advertise for at least ten days in one or more newspapers published in such municipal corporation or county (or in one or more newspapers published in the county in which said municipal corporation is situated, if there be no newspaper published in such municipal corporation) inviting sealed proposals for furnishing the labor and materials for the proposed work, before any contract shall be made therefor. The said city council, board of trustees or board of supervisors or other legislative body of such city or county shall require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract work, and shall also have the right to reject any and all bids; *provided, however,* that nothing herein contained shall be construed as prohibiting such municipal corporation or county from itself constructing or completing such works and employing the labor necessary therefor without such advertisement for proposals or letting of a contract; *and provided, further,* that in any municipal corporation operating under a freeholder's charter heretofore or hereafter framed under section 8 of article eleven of the constitution, and providing for a board of public works, all the matters and things required in this section to be done and performed by the city council, board of trustees or other legislative body of such municipal corporation, shall be done and performed by the board of public works thereof; *and provided, further,* that in case such charter or general law under which such municipal corporation is operating or existing, prescribing the manner of letting and entering into contracts for the furnishing of labor, materials and supplies for the construction or completion of such works or improvements, the contracts for such sewers, water mains or other conduits or such pole lines for the transmission of electricity or electric energy shall be let and entered into in conformity with such charter or general law.

Letting of contracts.

Contractors' bonds

Cities may construct

SEC. 4. Whenever the councils, boards of trustees or other legislative bodies or two or more municipal corporations or one or more municipal corporations, or the board of supervisors of any county and the city council, board of trustees or other legislative body of any such municipal corporation, shall find and, by resolution adopted by them, shall declare that it will

Joint agreement to construct sewers, etc.

be for the interests or advantage of such municipal corporations or counties so to do, such municipal corporations or counties by their respective city councils, boards of supervisors or other legislative bodies, may enter into a joint agreement, authorizing the construction and maintenance of sewers, water mains or other conduits or pole lines for the transmission of electricity or electric energy, in, through, over or along the streets or other public places of either or any of such municipal corporation or counties or in part outside of the limits thereof, at the joint cost and expense and for the joint use and benefit of such municipal corporations or counties upon such terms and conditions and under such regulations as may be approved by the city councils, boards of supervisors or other legislative bodies of all such municipal corporations or counties; and the city council board of supervisors or other legislative body of each such municipal corporation or county may bind or obligate such municipal corporation or county to pay such proportionate part of the cost of the construction and maintenance of such sewers, water mains or other conduits or for such pole lines for the transmission of electricity or electric energy at such times and in such installations as may be so approved. All contracts for the construction of sewers, water mains or other conduits, or pole lines for the transmission of electricity or electric energy under the provisions of this section shall be made and entered into by the one of such municipal corporations or counties designated by the city council, boards of supervisors or other legislative bodies of all such municipal corporations or counties, and in the manner provided by section 3 of this act. Two or more municipal corporations, one or more municipal corporations and one or more counties may also, by their city councils, boards of supervisors, or other legislative bodies, enter into an agreement or agreements with each other, for the joint use by such municipal corporations or counties of any sewers, water mains, or other conduits, or pole lines for the transmission of electricity or electric energy theretofore, in whole, or in part, constructed in the streets or other public places of either or any such municipal corporations or counties, upon such terms and conditions as they may by mutual agreement make by their respective city councils, boards of supervisors or other legislative bodies declare to be proper.

One city to  
contract  
for all.

Complaint  
to railroad  
commission  
upon  
refusal.

SEC. 5. Whenever any municipal corporation shall refuse to grant to another municipal corporation or county, the right to construct and maintain such sewers, water mains, or other conduits, or pole lines for the transmission of electricity or electric energy, in, through, over, along or across its streets or other public places, after such request for such use has been made to the city council or other governing body thereof, and other proceedings had as prescribed by section 2 of this act, or in case the terms and conditions prescribed by such municipal corporation wherein such streets or other public places are situated shall, by resolution, be rejected by the city

council or other legislative body of the municipal corporation or county which has caused such request to have been made, the city council, or board of supervisors or other governing body of such municipal corporation or county, may adopt a resolution stating that such terms and conditions are rejected by such municipal corporation or county and the municipal corporation or county which has made such application and request may thereupon and within one year thereafter, make a complaint to the railroad commission of the State of California, setting forth copies of the resolutions of the several city councils, boards of supervisors or other governing bodies of said several municipal corporations or counties, relative to such application and its refusal, a copy of the resolution adopted by its city council, board of supervisors or other legislative body, rejecting such terms and conditions, a copy of such request, the name of the municipal corporation or county which has made such application; the name of the municipal corporation where such streets or public places are situated, the names or other proper designation of the streets or public places which are proposed to be used for the purposes herein prescribed, the purpose for which, and the manner in which the same are proposed to be used, and the facts showing the necessity or expediency for such use. Thereupon said railroad commission shall hear such application and if it appear to such railroad commission that the public interest or convenience require that such streets and public places should be used for the purposes set forth in said application and complaint, the said railroad commission shall enter its judgment, granting to said municipal corporation or county which has made such request as in this act provided, the right to use such streets or other public places for the purposes herein set forth and may in such judgment, prescribe the terms and conditions upon which such municipal corporation or county making such application may use such streets and public places for the purposes herein set forth; and for the purposes of this act, all such sewers, water mains and other conduits and pole lines for the transmission of electricity or electric energy are declared to be public utilities. The failure or refusal of the city council, or other governing body of such municipal corporation, to which such request shall have been made, to refuse to grant such permission or to prescribe the terms and conditions upon which the same may be granted, for the period of three months from and after the date of the filing of such request, shall be deemed a refusal to grant such request within the meaning of this act. Except as otherwise provided in this act, such proceedings before such railroad commission shall be had and conducted in accordance with the provisions of act of the legislature of the State of California known and designated as the public utilities act approved December 23, 1911, and amendments or continuations thereof.

Hearing of  
application

SEC. 6. Sanitary districts organized under and by virtue of the laws of the State of California and sanitary districts to

Sanitary  
districts.

be hereafter organized shall be deemed municipal corporations for the purposes of this act; *provided*, that the sanitary board of any such sanitary district shall be, and the same are, for the purpose of carrying out the provisions of this act, hereby vested with the same powers in relation to said sanitary districts as are herein conferred upon city councils, boards of trustees and other governing bodies of such municipal corporations; *provided, further*, that wherever, by the provisions of this act, the adoption of an ordinance is prescribed by any municipal corporation, the adoption of a resolution by said sanitary board shall have the same force and effect as an ordinance adopted by any such city council, board of trustees, or other legislative body of a municipal corporation.

Determina-  
tion of  
contro-  
versies

SEC. 7. Should any controversy arise between any two or more municipal corporations, or between any county or counties and municipal corporation or corporations, after such permission shall have been granted by any such municipal corporation, or by the railroad commission of the State of California, respecting the construction, operation, maintenance or control of any such sewers, water mains or other conduits or pole lines for the transmission of electricity or electric energy, through, over, along or across any such street or public place, either such municipal corporation or said county may file a petition with the railroad commission of the State of California setting forth the nature of such grievance and such railroad commission shall hear and determine such complaint in the manner and form prescribed by said public utilities act and amendments or continuations thereof.

Judgment  
of railroad  
commission  
conclusive.

SEC. 8. All powers and duties conferred upon the railroad commission of the State of California by the provisions of this act are hereby declared to be exclusive, and the judgment of said railroad commission shall be binding and conclusive upon all parties to any such proceedings.

Act not  
repealed.

SEC. 9. This act shall not repeal an act entitled: "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, and acts amendatory thereto.

CHAPTER 625.

*An act to amend sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of an act entitled "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended by an act approved April 14, 1911, as further amended by an act approved June 2, 1913; and to add to said act four new sections to be numbered sixteen, seventeen, eighteen and nineteen, respectively, relating to the employment and hours of labor of children, providing for the administration of the provisions of the act, and repealing all acts inconsistent herewith.*

[Approved June 5, 1915 In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1 of an act entitled "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, as amended by an act approved April 14, 1911, as further amended by an act approved June 2, 1913, is hereby amended to read as follows:

Section 1. No minor under the age of fifteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, manufacturing establishment, mechanical establishment, workshop, office, laundry, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, or in any other place of labor at any time; *provided, however,* that on the regular weekly school holidays and during the regular vacation of public schools of the city, county, or city and county, in which the place of employment is situated, a minor under the age of fifteen years, but over the age of twelve years, may be employed if provided with a vacation permit as hereinafter provided, *and provided, further,* that any minor fourteen years of age shall, upon application to the school authorities as in the case of an age and schooling certificate, and upon compliance with all the requirements for the issuance of an age and schooling certificate, be entitled to receive from the officers authorized to issue age and schooling certificates a permit to work outside of school hours.

Employment  
of minors  
under  
fifteen.

Permit  
to work

SEC. 2. Section two of said act is hereby amended to read as follows:

Issuance of  
permit  
to work.

Sec. 2. The superintendent of schools of any city, or of any city and county, or of any county (over such portions of any such county as are not within the jurisdiction of any superintendent of city schools) shall have authority to issue a permit to work to any minor of the age of fourteen years, in any of the following circumstances:

(1) Where such minor has completed the prescribed grammar school course, and is physically fitted for the labor contemplated; or

(2) Where upon the sworn statement being made by the parent, or foster-parent, or guardian, of such minor, that such minor is past the age of fourteen years, that the parent or parents, or foster-parent or foster-parents, or guardian, of such minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of such minor, the family is in need of the earnings of such minor, and that sufficient aid can not be secured in any other manner. The person authorized to issue such permit shall make a signed statement in granting such permit that he, or a competent person designated by him for this purpose has carefully investigated the conditions under which the application for such permit has been asked, and has found that in his judgment the earnings of such minor are necessary for such family to support such minor, and that in his judgment sufficient aid can not be secured in any other manner.

SEC. 3. Section three of said act is hereby amended to read as follows:

Evidence for  
issuing  
permit

Sec. 3. No permit as specified in section two of this act shall be issued except upon written evidence that suitable work is waiting for such minor, and such permit shall specify the kind of labor. Permits issued under subdivision two of said section two shall in no case be issued for a longer period than shall seem necessary, nor for longer than six months, at the end of which period such superintendent shall see that such minor returns to school, unless a new permit to labor is issued. Such permit shall be kept on file by the person, firm or corporation employing the minor therein designated, during the term of said employment, and shall be given up to such minor upon his quitting such employment. Where such minor works for himself and not for others, such minor shall keep in his possession such permit. Such permit shall be issued on forms in accordance with this act, which shall be prepared and provided by the commissioner of the bureau of labor statistics of the State of California. Such permit shall be subject to revocation at any time by such commissioner of the bureau of labor statistics, or by the authority issuing such permit, whenever such commissioner, or the authority issuing such permit shall find that the conditions for the legal issuance of such permit do not exist. Such permit shall be always open to the inspection of the attendance and probation officers, or of the officers of the state bureau of labor statistics. A

Forms to be  
prepared by  
labor com-  
missioner.

duplicate copy of each permit to work granted under the provisions of this act shall be kept by the person issuing such permit, such copy to be filed with the superintendent of schools of the city, or city and county, or county, as the case may be; *provided*, that all copies of permits issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Corresponding semi-annual reports of all such permits issued shall be made by such superintendents in such form as may be required by the commissioner of the bureau of labor statistics of the State of California.

Duplicate  
filed.

SEC. 4. Section four of said act is hereby amended to read as follows:

Sec. 4 No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: Adjusting any belt to any machinery, or sewing or lacing machine belts in any workshop or factory, or oiling, wiping or cleaning machinery or assisting therein, or operating or assisting in operating any of the following machines: (a) Circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or wood-polishing machinery; (f) wood-turning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (l) boring or drill presses; (m) stamping machines used in sheet-metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machinery; or in proximity to any hazardous or unguarded belts, machinery or gearing; or upon any railroad, whether steam, electric or hydraulic; or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state; *provided, however*, that the provisions of this section shall not apply to the courses of training in vocational or manual training schools or in state institutions.

Work forbidden  
children  
under  
sixteen

SEC. 5 Section five of said act is hereby amended to read as follows:

Sec. 5 No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture

Trades  
forbidden  
children  
under  
sixteen

or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any mine, coal breaker, coke oven, or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck; (14) nor in a bowling alley; (15) nor in a pool or billiard room; (16) nor in any other occupation dangerous to the life or limb, or injurious to the health or morals of such child.

SEC. 6. Section six of said act is hereby amended to read as follows:

Labor commissioner to determine whether business is forbidden.

Sec. 6. The bureau of labor statistics may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the superior court from any such determination.

SEC. 7. Section seven of said act is hereby amended to read as follows:

Minors under eighteen not to work over eight hours.

Sec. 7. No minor under the age of eighteen years shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment or other place of labor, more than eight hours in one day or more than forty-eight hours in one week, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week, nor before the hour of five o'clock in the morning, nor after the hour of ten o'clock in the evening.

SEC. 8. Section eight of said act is hereby amended to read as follows:

Telegraph messengers.

Sec. 8. No person under the age of eighteen years shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before six o'clock in the morning, or after nine o'clock in the evening of any day.

SEC. 9. Section nine of said act is hereby amended to read as follows:

Sec. 9. Vacation permits shall be signed by the principal, vice-principal of the school, or secretary of the board of school trustees or board of education of the school which such minor is attending, or has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the minor to whom it is issued, and when issued for the regular vacation, the date of the termination of the vacation for which it is issued, and in any case shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the minor to whom it was issued.

Permits signed by school officers

Sec. 10. Section ten of said act is hereby amended to read as follows:

Sec. 10. No minor of the age of fifteen years shall be employed, permitted or suffered to work in or in connection with any of the places enumerated in section one during the hours the public schools are in session, unless such minor is provided with an age and schooling certificate as herein provided.

Minor under fifteen.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees; *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided for the children attending such schools. The person authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for issuing such certificates. The person authorized to issue age and schooling certificates shall not issue such certificates until the minor in question, accompanied by its parent or guardian, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such minor, giving age, grade and attendance for current term, duly signed by the principal or teacher. (2) A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births; or a passport, or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such minor; or, in case the officer authorized to issue the certificate is satisfied that none of such proofs of age can be produced, other evidence of age can be produced, such as school enrollment record, or affidavit of the parent, guardian or custodian of such minor, such as shall convince such officer that the minor is fifteen years of age or upwards. (3) The

Papers to be filed.

written statement of the person, firm or corporation in whose service the minor is about to enter, that he intends to employ the minor, which statement shall give the nature of the occupation for which the child is to be employed. (4) A certificate signed by a physician appointed by the school board, or other public medical officer, stating that such minor has been examined by him and, in his opinion, has reached the normal development of a minor of its age and is in sufficiently sound health and physically able to be employed in the work which it intends to do, *provided, however*, that no fee shall be charged the minor for such physician's certificate.

Forms of  
certificates.

Age and schooling certificates shall be issued on forms which shall be prepared and provided by the commissioner of the bureau of labor statistics of the State of California, and shall be substantially in the following form, to wit:

*Age and schooling certificate.* This certifies that I am the (father, mother or guardian) of (name of the minor) and that (he or she) was born at (name of the city or town), in the county of (name of county, if known), and state (or country) of (name) on the day (day and year of birth), and is now (number of years and of months) old.

Signature, as provided in this act.

City or town, and date.

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of minor), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) has completed the prescribed grammar school course or that (he or she) has completed the equivalent of the seventh grade of the regular grammar school course and is a regular attendant for the then current term at a regularly conducted night school.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the minor in whose behalf it is drawn and it shall be presented to (him or her) whenever (he or she) leaves the service of the person, firm or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen years of age shall be signed by his father, his mother, or his guardian; if a minor has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same. Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less

than five nor more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment

A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate is issued; *provided*, that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics, a report showing the number of age and schooling certificates issued to male and female minors and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months, ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of the county superintendent of schools as described in this section.

Duplicate kept by person issuing.

SEC. 11. Section eleven of said act is hereby amended to read as follows:

Sec. 11 No minor having an age and schooling certificate, as hereinbefore described, and no other minor under sixteen years of age, who would by law be required to attend school, shall, while the public schools are in session, be and remain idle and unemployed for a period longer than two weeks, but must enroll and attend school; *provided*, that within one week after any minor having such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, giving the latest correct address of such minor known to such employer, notify the issuing officer that such minor is no longer employed by such employer; and such issuing officer shall thereupon immediately notify the attendance officer having jurisdiction in the place of such minor's residence, giving the said latest known correct address of such minor, that such minor is neither at work nor in school; *and provided, further*, that no such minor shall be permitted to cease school attendance, without securing an age and schooling certificate as provided in this act.

Minors not to remain idle.

Employer to notify officer.

SEC. 12. Section twelve of said act is hereby amended to read as follows:

Sec. 12. Every person, firm, corporation or agent, or officer of a firm or corporation, employing minors under the age of eighteen years shall keep a register containing the names and addresses of such minor employees and shall post and keep posted in a conspicuous place, in every room where such minors are employed, a written or printed notice stating the hours per day for each day of the week required of such minors, and shall keep on file all permits and certificates

Employer to keep register.

required by this act for minors under the age of sixteen years. Such records and files shall be open at all times to the inspection of the school attendance and probation officers and the officers of the state bureau of labor statistics

All certificates and permits shall be given up to such minor upon his quitting such employment. Where such minor works for himself and not for others, such minor shall keep in his possession such certificate. Such certificate shall be subject to revocation at any time by such commissioner of the bureau of labor statistics, or by the authority issuing such certificate, whenever such commissioner or the authority issuing such certificate shall find that conditions for the legal issuance of such certificate do not exist

SEC. 13. Section thirteen of said act is hereby amended to read as follows:

Penalty.

Sec. 13 Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and, shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or vacation permit to work or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor whose age and schooling certificate or permit to work is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city, or city and county, in which the offense occurred; except such fines imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics, in which cases one-half of the resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics, and one-half paid into the school funds of the county, or city, or city and county, in which the offense occurred.

SEC. 14. Section fourteen of said act is hereby amended to read as follows:

Agricultural,  
etc., labor.

Sec. 14. Nothing in this act shall be construed to prohibit the employment of minors sixteen years of age or over at agricultural, horticultural, or viticultural, or domestic labor. Nor shall anything in this act be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural, or domestic labor, during the time the public schools are not in session, or during other than school hours. For the purpose of this act, horticultural shall be understood to include the curing and drying, but not the canning of all varieties of fruit. Nor shall anything in this act be construed to prohibit any minor between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California,

Theatrical  
employment.

now or hereafter in force, permitted to be employed as an actor, or actress, or performer in a theatre, or other place of amusement, previous to the hour of ten o'clock p.m., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock p.m., from performing his or her part in such presentation as such employe between the hours of ten and twelve o'clock p.m.; *provided*, the written consent of the commissioner of the bureau of labor statistics is first obtained. Nor shall anything in this act prevent, or be construed to prohibit, the employment of any minor, whether resident or non-resident, in the presentation of a drama or dramatic play with the written consent of the commissioner of the bureau of labor statistics, but no such consent shall be given unless the officer giving it is satisfied that the environment in which the drama or dramatic play is to be produced is a proper environment for the minor, and that the conditions of such employment are not detrimental to the health of such minor, and that the minor's education will not be neglected or hampered by its participation in such drama or dramatic play, and the commissioner may require the person charged with the issuance of age and schooling certificates to make the necessary investigation into such conditions; and every such written consent shall specify the name and age of the minor together with such other facts as may be necessary for the proper identification of such minor, and the dates when, and the theatres or other places of amusement in which, such dramas or dramatic plays are to be produced, and shall specify the dramas or dramatic plays in which the minor is permitted to participate, and every such consent shall be revocable at the will of the officer giving it. Dramas and dramatic plays shall include the production of motion picture plays; *provided, however*, that nothing herein contained shall be construed to permit the use of a minor in any occupation prohibited under section two hundred seventy-two of the Penal Code.

SEC. 15. Section fifteen of said act is hereby amended to read as follows:

Sec. 15. Work shall be deemed to be done for a manufacturing establishment within the meaning of this act, whenever it is done at any place upon the work of a manufacturing establishment or upon any of the materials entering into the product of the manufacturing establishment, whether under contract or arrangement with any person in charge of or connected with such manufacturing establishment directly or indirectly, through the instrumentality of one or more contractors or other third persons

When work is deemed done

Sec. 16. A new section is hereby added to said act, to be numbered sixteen and to read as follows:

Sec. 16 No boy under ten years of age, nor girl under eighteen years of age, shall be employed, permitted or suffered to work at any time in or in connection with the street occupation of peddling, boot blacking, the sale or distribution of

Boys under ten and street occupations.

newspapers, magazines, periodicals or circulars nor in any other occupation pursued in any street or public place; *provided, however*, that nothing in this section shall be construed to apply to cities whose population is less than twenty-three thousand according to the last federal census.

Penalty

Any person, firm, corporation, or agent, or officer of a firm or corporation, or any parent or guardian violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

SEC. 17. A new section is hereby added to said act, to be numbered seventeen and to read as follows:

Duty of  
labor com-  
missioner.

Sec 17. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all the powers and authority of sheriffs or other peace officers, to make arrests for violation of the provisions of this act, and to serve any process or notice throughout the state.

Duty of  
attendance  
officers

The attendance officer of any county, city and county, or school district in which any place of employment, in this act named, is situated, or the probation officer of such county, shall have the right and authority, at all times, to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, and any act amending or superseding the same; *provided, however*, that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations

SEC. 18. A new section is hereby added to said act, to be numbered eighteen and to read as follows:

Repealed

Sec 18 All acts and parts of acts inconsistent herewith are hereby expressly repealed.

SEC. 19. A new section is hereby added to said act to be numbered nineteen and to read as follows:

Constitu-  
tionality.

Sec. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 626.

*An act to amend section one thousand two hundred seven of the Civil Code of the State of California, relating to defectively acknowledged instruments of record in the office of the county recorder prior to the first day of January, nineteen hundred and fifteen.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand two hundred seven of the Civil Code of the State of California is hereby amended to read as follows:

1207. Any instrument affecting the title to real property, including any instrument executed by a married woman on or after the first day of July, 1891, which was, previous to the first day of January, one thousand nine hundred and fifteen, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgement thereof, or the absence of any such certificate: but nothing herein affects the rights of purchasers or encumbrancers previous to the taking effect of this act. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded: *provided*, when such copying in the proper book of record occurred within fifteen years prior to the trial of the action, it is shown first that the original instrument was genuine.

Defectively  
acknowledged  
deeds, etc.,  
validated

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CHAPTER 627.

*An act relating to bonds of county waterworks districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of county waterworks districts as security for the performance of any act may be authorized.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Whenever the board of supervisors of any county in which a county waterworks district has been formed and organized under and pursuant to the laws of the State

Unsold bonds  
of county  
water  
districts.

of California shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of supervisors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Report on  
district's  
affairs.

SEC. 2. Such commission, upon the receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points:

(a) The supply of water available for the project and the right of the district to so much water as may be needed.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(c) The feasibility of the district's waterworks system and of the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.

(d) The reasonable market value of the water, water rights, canals, tanks, reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings and machinery owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds

(e) The reasonable market value of the lands included within the boundaries of the district

(f) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, tanks, reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings, machinery owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (d) and (e) in this section.

(g) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section seven of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (f) of this section.

Report  
filed with  
controller.

SEC. 3. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the commission be forwarded to the board of supervisors of the county in which said district is formed and for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the waterworks system of the district and the

specific project for which the bonds under consideration are desired or have been used, whether such project be constructed, projected or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, tanks, reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings and machinery owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such county waterworks district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of supervisors of any county where a county waterworks district has been formed that such waterworks system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of a county waterworks district have been enumerated and described as entitled to certification by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the state controller to provide for filing and preserving the reports mentioned in this section and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section four of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

When bonds may be certified

Preservation of reports.

SEC. 4. Whenever any bond of a county waterworks district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section three of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Sacramento, Cal \_\_\_\_\_ (insert date).

I, \_\_\_\_\_, controller of the State of California, hereby certify that the within bond, No. \_\_\_\_\_ of issue No. \_\_\_\_\_ of the \_\_\_\_\_ county waterworks district, issued \_\_\_\_\_ (insert date), is, in accordance with an act of the legislature of California approved \_\_\_\_\_, a legal investment for

Form of certificate.

all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney general and the superintendent of banks of the State of California in pursuance of said act.

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 Controller of State of California.

In case of a change in the constitution or any of the laws of this state relating to the bonds of county waterworks districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

Commission.

SEC. 5. The attorney general, the state engineer and the superintendent of banks are hereby constituted the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

Expenses.

SEC. 6. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require by the county waterworks district whose property has been investigated and reported on by the said commission: *provided*, that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

Bonds legal investments.

SEC. 7. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such money or funds may be invested in the said bonds of county waterworks district, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of county waterworks districts under the limitations in this act provided may be so used. This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

CHAPTER 628.

*An act to amend an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, by prohibiting the issuance of any scrip, coupons, cards, or other thing redeemable in merchandise or purporting to be payable or redeemable otherwise than in money.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, is hereby amended to read as follows:

Section 1 No person, firm or corporation shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable upon demand without discount in cash at some bank or other established place of business in the state; and no person, firm or corporation shall issue in payment of wages due, or wages to become due an employee, or as an advance on wages to be earned by an employee, any scrip, coupons, cards or other thing redeemable in merchandise or purporting to be payable or redeemable otherwise than in money. But nothing herein contained shall be construed to prohibit an employer from guaranteeing the payment of bills incurred by an employee for the necessaries of life or for the tools and implements used by such employee in the performance of his duties; *provided, however,* that the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi-municipal corporations or school districts organized and existing under the laws of this state.

Wage checks  
must be  
negotiable

SEC. 2. Section two of said act is hereby amended to read as follows:

Sec 2. Any person, firm or corporation, or agent or officer thereof, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

Penalty.

## CHAPTER 629.

*An act to carry into effect the provisions of section one a of article thirteen of the constitution of California, exempting property from taxation in certain instances; defining certain terms; providing certain regulations with reference to said exemption, and to that end adding a new section to the Political Code of the State of California to be numbered three thousand six hundred thirteen.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 A new section is hereby added to the Political Code of the State of California to be numbered section three thousand six hundred thirteen and to read as follows:

Colleges  
exempt from  
taxation.

3613. 1. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used exclusively for the purposes of education.

Definition  
of college

2 An educational institution of collegiate grade is deemed and defined to be an institution incorporated as a college or seminary of learning under the laws of this state, which requires for regular admission the completion of a four year high school course or its equivalent, and confers upon its graduates at least one academic or professional degree, based upon a course of at least four years in liberal arts and sciences, or upon a course of at least three years in professional studies, including law, theology, education, medicine, dentistry, engineering, veterinary medicine, pharmacy, architecture, fine arts, commerce or journalism.

Not con-  
ducted for  
profit.

3 An educational institution not conducted for profit is deemed and defined to be an institution incorporated as a college or seminary of learning under the laws of this state conducted exclusively for scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder, member or individual.

Grounds  
deemed  
exempt.

4. The grounds of an educational institution exempt from taxation under the provisions of section one a of article thirteen of the constitution, when the grounds of such educational institution within which its buildings are located exceed one hundred acres in area, shall be determined, located and selected by the assessor of the county or city and county in which said grounds are situated but said grounds need not be contiguous or in one tract.

Procedure.

5. The state board of equalization shall prescribe all procedure, affidavits and forms required to carry into effect the tax exemption of property specified in section one a of article thirteen of the constitution.

6. Any person or officer of an educational institution entitled to or applying for the exemption from taxation under section one *a* of article thirteen of the constitution shall make a return thereof to the assessor annually, the same as of property listed for taxation, and shall accompany the same by an affidavit showing that the educational institution is of collegiate grade and is not conducted for profit, that the grounds for which exemption is claimed are those within which its buildings are located and do not exceed one hundred acres in area and that the securities and income for which exemption is claimed are used exclusively for the purposes of education. Every such person or officer shall in addition give all information required and answer all questions contained in the forms and affidavits prescribed by the state board of equalization. Any false statement made or sworn to in such forms or affidavits shall constitute and be punishable as perjury.

Annual  
return to  
assessor.

7. Any assessor or deputy assessor may, in his discretion, require other or additional proof of the facts stated by such affiant before allowing the exemption claimed. Failure upon the part of any educational institution entitled to such exemption, to make affidavit or furnish evidence as required by this act, between the first Monday in March and the first Monday in July of each year, shall be deemed a waiver of such exemption by such educational institution.

Additional  
proof.

CHAPTER 630.

*An act to amend an act entitled "An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of ways in municipalities, and providing for the improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessment for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, by amending sections one, three, four, eight, twenty-three, twenty-four and twenty-five of said act.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of ways in municipalities, and providing for the improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and

expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, is hereby amended to read as follows:

Cities may  
establish,  
etc., street  
grade, etc.

Section 1. Whenever the public interest or convenience may require the legislative body of any city is hereby empowered to establish or change or modify the grade of any public street, lane, alley, court, place, or right of way in said city, or any portion thereof, and in any case where in the opinion of said legislative body any damage to private property would result from the improvement thereof, to order the whole, or any part, either in length or width, of such public street, lane, alley, court, place, or right of way to be improved to conform to such official grade by grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, piling or repiling, capping or recapping, graveling or regravelling, oiling or reoiling, sewerage or resewerage, sidewalking or residewalking, curbing or recurbing, guttering or reguttering, or by the building of storm water ditches or tunnels or breakwaters, levees, walls of rock, or of other materials, to protect the same from overflow or injury, or by the construction of manholes, culverts, bridges, cesspools, tunnels, viaducts, conduits, subways, cross-walks, steps, parking or park ways, and the construction or reconstruction in, over or through property or rights of way owned by such city of retaining walls, tunnels, sewers, ditches, drains, conduits, viaducts, subways, and channels for sanitary and drainage purposes, or either, or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances and breakwaters, levees, bulkheads and walls of rock, or other material, to protect the streets, lanes, alleys, courts, places, public ways, and other property in any such city from overflow or injury by water, or otherwise, or by the doing of any other work which shall be necessary to improve the whole, or any portion of such streets, lanes, alleys, courts, places, or rights of way of such city, under the proceedings provided in this act, and in accordance with plans and specifications prepared by the city engineer of said city, and approved by the legislative body thereof, *provided, however*, that wherever the official grade of any such public street, lane, alley, court, place, or right of way has been theretofore established, changed or modified in any manner authorized by law, the legislative body of said city may order the whole, or any part, either in length or width of such public street, lane, alley, court, place, or right of way to be improved under the provisions of this act, to conform to such official grade as so established, changed or modified, by the doing of any work mentioned in this section in any case where, in the opinion of said legislative body, damage to private property would result from such improvement

Official  
grade already  
established

SEC 2. Section three of said act is hereby amended to read as follows:

Sec. 3 Said ordinance or resolution of intention shall be conspicuously posted for two days on or near the chamber door of said legislative body and published by two insertions in a daily or weekly newspaper published and circulated in said city, and designated by said legislative body for the purpose. If no such newspaper be so published and circulated in said city, such posting of said ordinance or resolution of intention shall be sufficient. The superintendent of streets shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any work is to be done or improvement made, at not more than three hundred feet apart, notices (not less than three in all) of the passage of such ordinance or resolution. Said notices shall be headed "Notice of street work" in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance or resolution of intention, and the time and place fixed for the hearing of protests, and notify all persons interested to appear at said time and place with their objections to said improvement, if any they have, and briefly describe the proposed improvement, and refer to the ordinance or resolution of intention for further particulars. He shall also cause a notice of similar substance to be published by two insertions in a daily newspaper published and circulated in said city, or, if there is no such daily newspaper, then by two successive insertions in a weekly newspaper so published and circulated. If no such newspaper be so published and circulated in said city such notice shall be also posted on or near the chamber door of the legislative body of said city, and in two other public places in said city. Such posting and publication shall be completed at least ten days before the day set for the hearing of protests. The city clerk shall immediately upon the passage of said ordinance or resolution of intention mail, postage prepaid, to each property owner in the district to be assessed to pay the costs and expenses of the improvement, at his last known address as the same appears on the tax rolls of said city, or, where no address so appears, to the general delivery a postal card, containing a notice, which shall be substantially in the following form (filling blanks):

Ordinance posted and published

Notice mailed property owners

You are hereby notified that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the legislative body of the city of \_\_\_\_\_, California, by virtue of the street improvement act of 1913, passed an ordinance (resolution) of intention numbered \_\_\_\_\_, for the improvement of \_\_\_\_\_ street between \_\_\_\_\_ street and \_\_\_\_\_ street. The time for filing protests will expire on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and protests will be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ in the council chamber of said city.

Form of notice

Your property is within the assessment district for said improvement, and will be assessed therefor. For further information you are referred to said ordinance, and to the maps, profiles, plans and specifications on file in the office of the city engineer.

-----  
City clerk

"Unknown  
owners"

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, no such postal cards need be mailed to the owners thereof.

Clerk's  
affidavit

The city clerk shall immediately upon the completion of the mailing of said cards file in the office of the superintendent of streets an affidavit setting forth the time and manner of his compliance with this requirement; *provided*, that the failure of the city clerk to address said cards or any of them to the true owners of said property, or to mail said cards, or the failure of the property owners to receive the same, shall in no wise affect the validity of the proceedings or prevent the legislative body from acquiring jurisdiction to order the work; *provided, however*, that the legislative body shall not pass any ordinance or resolution ordering the work until such affidavit is made and filed as herein prescribed.

SEC. 3. Section four of said act is hereby amended to read as follows:

Protest.

Sec 4. At or before the time fixed for the hearing, any person interested, objecting to the proposed improvement or to the extent of the assessment district described in the ordinance or resolution of intention, may file a written protest with the clerk of said legislative body. Every protest must contain a description of the property in which each signer thereof is interested and set forth the nature of his interest therein and must be accompanied by the affidavit of one of the signers thereof that each signature thereto is the genuine signature of the person whose name is thereto subscribed, and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements shall not be considered by said legislative body. The clerk shall endorse on every such protest the date of its reception by him, and at the time fixed for the hearing, or at any other time to which the hearing may be adjourned, he shall present to said legislative body all protests so filed with him. Before the hearing of any protest there shall be filed with such legislative body affidavits showing that the said notices have been posted and published as hereinbefore required, and the said legislative body shall thereupon cause to be entered in its minutes an order reciting that notice of said hearing has been posted and published as required by law, and such order shall be prima facie evidence of the truth of the facts therein recited. The legislative body shall hear said protests at said meeting, or at any time to which the hearing thereof may be continued, and pass upon the same, and its

Notice of  
hearing

decision shall be final and conclusive; *provided, however,* if <sup>Majority protest</sup> such protests are against the proposed improvement, and the legislative body finds that such protests are signed by the owners of a majority of the frontage of the property fronting on the streets or parts of streets within the assessment district for such improvement, all further proceedings shall be stayed and barred for six months from and after the filing of such majority protests, unless the owners of a majority of such frontage shall in the meantime petition for the said improvement to be made. If such protests are not signed by a majority of the owners of such property, and such protests are sustained, no further proceedings shall be had under said ordinance or resolution of intention, but a new ordinance or resolution of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made.

SEC. 4. Section eight of said act is hereby amended to read as follows:

Sec. 8. At or before the time set for the hearing of petitions for damages any person owning property, and claiming that the same will be damaged by said proposed improvement, shall file with the superintendent of streets, who shall transmit the same to the commission, a petition showing the fact of such ownership, a description of the property claimed to be damaged, its market value, and the amount of damages which it is claimed such property will sustain by the proposed improvement, and the post office address of such petitioner, or his agent. Every such petition shall be verified by the oath of the petitioner or his agent. After considering the petitions filed as herein provided, and after hearing the petitioners who may appear, and after viewing the location of the proposed improvement and the property affected thereby, said commission shall proceed to determine the amount of damages, if any, which will be sustained by each such petitioner because of the proposed improvement. Any property owner who fails to file any such petition shall be deemed to have waived his right to a hearing with respect to any damages to any property owned by him, and to object to the amount of such damages as fixed by said commission.

SEC 5. Section twenty-three of said act is hereby amended to read as follows:

Sec. 23. The legislative body of any city shall have the <sup>Bonds</sup> power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of twenty-five dollars or more for the cost and expenses of any work or improvement authorized by this act. Said serial bonds shall extend over a period not to exceed twenty-five years from the second day of January next succeeding the issuance of said bonds and an even annual proportion of the principal sum thereof shall be payable by coupon on the second day of January every year after their date until the whole is paid; *provided*, that if the period over which

Interest

said bonds are to extend exceeds ten years, one-tenth part of the principal sum thereof shall be payable by coupon on the second day of January of each of the last ten years of said period. The interest on said bonds shall be payable semi-annually by coupon on the second day of January and July respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest is paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

SEC. 6. Section twenty-four of said act is hereby amended to read as follows:

Bond ordinance

Sec. 24. Whenever the legislative body of any city shall determine that serial bonds shall be issued to represent the cost and expenses of any proposed work or improvement under this act, it shall so declare in the ordinance or resolution of intention to do said work, and shall specify the rate of interest which they shall bear and the period of time over which they are to run, and said ordinance or resolution shall also state that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid at the expiration of thirty days after the first publication or posting of the notice of the recording of the assessment by the superintendent of streets. Whenever it shall have been determined, as provided in section twenty-three of this act, that serial bonds shall be issued to represent assessments amounting to twenty-five dollars, or over, the superintendent of streets shall, forthwith after the full expiration of thirty days from the date of the first publication of the notice of the recording of the assessment roll, or forthwith after the full expiration of thirty days from the recording of a re-assessment in the event that such be made, and after all previous payments have been credited on such re-assessment, make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over upon any assessment or diagram number.

List of assessments of \$25 or over

SEC. 7. Section twenty-five of said act is hereby amended to read as follows:

Bond for each lot.

Sec. 25. Upon receiving the list of assessments mentioned in the preceding section, the city treasurer shall thereupon make out and sign a separate bond representing upon each lot

or parcel of land upon said list the total amount of the assessments, or re-assessments, as the case may be, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

IMPROVEMENT BOND.

Series -----

\$----- No. ----- Improvement bond

Under and by virtue of and pursuant to the provisions of ----- (title of act), I, out of the fund for the above designated improvement bonds, series ----- will pay to bearer the sum of ----- (\$-----) dollars with interest at the rate of ----- per cent per annum, as is hereinafter specified, at the office of the city treasurer of the city of -----, State of California. This bond is issued to represent an assessment for ----- in the city of ----- as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered ----- therein and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the city of -----, county of -----, State of California, described as follows:

-----  
-----

This bond is payable exclusively from said fund, and neither the city of -----, nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is ----- years from January second, 19----, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest, at the rate of ----- per cent per annum.

The interest is payable semiannually on the second day of January and July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of ----- 19----, and thereafter the interest coupons are for the semiannual interest

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest, by the -----  
Default in payment

owner of said lot, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith in the manner provided by law.

Dated at said city of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand nine hundred and \_\_\_\_\_.

-----  
City treasurer of the city of  
-----

Mistake does not invalidate

No mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot can not be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who made the assessment to represent which such bond was issued

Assessments less than \$25

When owner does not desire bond issued

In case the amount of the unpaid assessment or re-assessment upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is provided in this act. If any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment or re-assessment upon his lot or parcel of land present to the city treasurer his affidavit made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and shall with such affidavit and certificate notify said treasurer in writing that he desires no bond to be issued for the assessment upon said lot or parcel of land, then no such bond shall be issued therefor and the street superintendent shall retain his right for enforcing collection of said assessment or re-assessment as if said lot or parcel of land had not been so listed by the street superintendent. The bonds so issued by said treasurer shall be payable to the bearer, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work.

Coupons.

They shall have annual coupons attached thereto, payable in annual order on the second day of January in each year after the date of the bonds until all are paid, or if the term of said bonds be more than ten years, then said coupons shall be payable on the second day of January of each of the last ten years of the term of the bonds; and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the rest of which shall be for the semiannual interest accruing from the second day of January or July, as the case may be. The owner of, or any person interested in, any lot or parcel of land upon which a bond has been issued, under the terms of this act, may at any time pay off such bond and discharge his land from the lien of the assessment, by paying to the city treasurer for the holder of such

Owner may pay at any time

bond the amount then unpaid on the principal sum thereof, and all interest thereon which has accrued and is unpaid, together with the semiannual installment of interest which will next become due thereafter, and in addition thereto, interest for one year at the rate specified in the bond upon the unpaid amount of the principal. The treasurer shall thereupon make an entry upon his bond register that such bond has been paid in full. When all the coupons of principal and interest are paid or the bond is surrendered or satisfied, the city treasurer shall report the fact to the street superintendent, who shall forthwith indorse the same on the margin of the record of the assessment to the credit of which the same is paid.

CHAPTER 631.

*An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith.*

[Approved June 5, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known as the "juvenile court law" and shall apply to any person under the age of twenty-one years: "Juvenile court law"

1. Who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or Persons affected

2. Who has no parent or guardian; or who has no parent or guardian willing to exercise or capable of exercising proper

Persons  
affected

parental control, or who has no parent or guardian actually exercising such proper parental control and who is in need of such control; or

3. Who, being a minor, is destitute, or whose father, said person being a minor, does not or can not provide for said person the necessities of life, and who has no other means, through his mother or otherwise, of obtaining said necessities.

4. Whose home, said person being a minor, by reason of neglect, cruelty or depravity on the part of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for said person; or

5. Who is found wandering and either has no home or no settled place of abode or no visible means of subsistence or no proper guardianship; or

6. Who is a vagrant or who frequents the company of criminals, vagrants or prostitutes, or persons so reputed; or who is in any house of prostitution or assignation; or

7. Who habitually visits without parent or guardian any public billiard room or public pool room, or any saloon or any place where any spirituous, vinous or malt liquors are sold, bartered, exchanged or given away; or

8. Who habitually uses intoxicating liquors or habitually smokes cigarettes, or habitually uses opium, cocaine, morphine or other similar drug without the direction of a competent physician; or

9. Who, being a minor, persistently or habitually refuses to obey the reasonable and proper orders or directions of, or who is beyond the control of, his parent, parents, guardian or custodian; or

10. Who is an habitual truant from school within the meaning of any law of this state; or

11. Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd or immoral life; or

12. Who is insane, or feeble-minded, or so far mentally deficient that the parents or guardian are unable to exercise proper parental control over said person, or whose mind is so far deranged or impaired as to endanger the health, person, or property of himself or others.

13. Who violates any law of this state or any ordinance of any town, city, county, or city and county of this state defining crime.

14. Who shall be declared free from the custody and control of his parents, as more fully defined in section fifteen of this act

Persons  
judged wards  
of court

SEC. 2. When any person under the age of twenty-one years, alleged to come within the provisions of any of the subdivisions one to thirteen inclusive of section one of this act, shall be found by said court or judge to come within the terms of any of said subdivisions as alleged, the court shall adjudge said person to be a ward of the juvenile court and shall in its judgment make a finding of the facts upon which the court

exercises its jurisdiction over such person as a ward of the juvenile court; and the court shall thereupon make such order or orders, in accordance with said findings, as may be necessary for the care of said ward of the juvenile court; *provided, however,* that no merely unfortunate person shall be so committed or placed as to be brought into direct contact or personal association with wayward persons of evil influence. All commitment and recommitment orders shall be in writing, and shall be signed by the judge of the juvenile court.

SEC. 3. Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing therein, or, in the case of any alleged violation within said county of any law or ordinance, that there then was within said county, a person coming within the provisions of section one or section fifteen of this act, and praying that the superior court deal with such person as provided in this act. Such petition shall be verified, and shall contain a statement of the facts bringing said person within the provisions of either of said sections, and the names and residences, if known to said petitioner, of the parent or parents or guardian of said person, or if there be neither parent nor guardian residing within the county, or in the case of a person coming within the provisions of subdivision fourteen of section one or of section fifteen, if there be no parent residing within the state or if his place of residence be not known to said petitioner, then the name and residence, if known to said petitioner, of some relative of said person, residing within said county, or in the case of a person coming within the provisions of subdivision fourteen of section one or of section fifteen, then the name of some relative residing within said state. Either the judge of said court or the clerk thereof may set the time for the hearing of said petition.

Any person may file petition

SEC. 3a. There shall be no fee for filing such petition mentioned in the foregoing section. Nor shall any fees be charged by any officer for his services in filing, or serving papers, nor for the performance of any duty enjoined upon him by this act, except where the sheriff transports a person to a state institution.

No filing fee

SEC. 3b. It shall be the duty of the clerk of any court before which any person alleged to come within the provisions of sections one or fifteen of this act is brought, to notify the probation officer of the county thereof immediately upon the filing of the petition.

Probation officer notified

SEC. 4 Upon the filing of the petition provided for in section three hereof, a citation shall issue, requiring the person or persons having the custody or control of the person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act, to appear with said person so alleged at the time and place stated in the citation. Service of said citation must be made at least twenty-four hours before the time stated therein for such appearance. The parents or guardian of said person so alleged, if residing

Citation to appear

within the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parents nor guardian so residing, or if their places of residence be not known to the petitioner, then some relative of said person so alleged, if any there be residing within said county, and if his residence and relationship to said person so alleged be known to the petitioner, shall be notified of the proceeding by service of citation requiring him or them to appear at the time and place stated in said citation. Service of citation may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service of citation filed with the clerk of the court at or prior to the hearing. In any case, the judge presiding in the juvenile court may appoint some suitable person to act in behalf of said person so alleged, and may order such further notice of the proceedings to be given as he may deem proper.

Failure  
to appeal.

SEC. 4a. If any person cited, as herein provided, shall fail, without reasonable excuse, to appear and abide by the order of the court or to bring said person so alleged, if so required in the citation, such failure shall constitute a contempt of said court, and may be punished as provided for in other cases of contempt of court.

When cita-  
tion cannot  
be served.

SEC. 4b. In case such citation can not be served, or the party served fails to obey the same, or in any case in which it shall be made to appear to the court that said citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of said person so alleged, or with whom the said person so alleged may be, or against the said person so alleged himself, or any or all said persons; or if there be no person to be served with citation, as above provided, a warrant of arrest may be issued immediately against the said person so alleged. On the return of the citation or other process, or as soon thereafter as possible, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, said person so alleged may be retained by the person having charge of said person, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

Prosecution  
under gen-  
eral law.

SEC. 4c. If upon the hearing, or at any time thereafter, said court shall determine that any person alleged to come within the provisions of subdivision thirteen of section one of this act, is not a fit and proper subject to be dealt with under the provisions of this act, said court may dismiss the petition therein, and direct that said person be prosecuted under the general law.

Persons  
under  
eighteen

SEC. 4d. No person under the age of eighteen years at the time of the commission of an alleged offense or crime shall be prosecuted for crime until the matter has first been submitted to the juvenile court by petition as hereinbefore provided, or by certificate of the lower court as hereinafter provided.

SEC. 5. In no case shall an order adjudging a person to be a ward of the juvenile court be deemed to be a conviction of crime.

Order is not conviction

SEC. 6. Whenever a deposition or complaint shall be filed in any court other than a superior court, charging a person with a crime and it shall be suggested or shall appear to the judge, justice or recorder before whom such person is brought that the person charged was at the date the offense is alleged to have been committed under the age of eighteen years, said judge, justice or recorder, shall immediately suspend all proceedings against such person on said charge and examine into the age of such person, and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder, that such person was at the date the offense is alleged to have been committed under the age of eighteen years, he shall forthwith certify to the juvenile court of his county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) that said person appears to be under the age of eighteen years, giving date of birth when known, and (c) that proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceedings against the said person on said charge shall be suspended until said juvenile court shall issue its mandate, as hereinafter provided, directing the court before which said charge was made to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of the county for consideration and proceedings under this act. To such certification said judge, justice or recorder, or the clerk of said court shall attach a certified copy of said original deposition or complaint, and when such person shall be brought before the judge of the juvenile court, said judge shall direct the probation officer to file a petition as provided in section three of this act, except that said petition need not be verified; and said probation officer shall forthwith comply with such directions. Pending such hearing said judge may admit said person to bail or otherwise provide for his temporary custody in any manner provided herein for the care of a ward of the juvenile court. The proceedings thereafter shall be the same as in the case of a verified petition; *provided, however*, that if said judge of the juvenile court shall after such investigation decide that the person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; except that if said judge of the juvenile court shall find that the person so charged is under the age of twenty-one years, and a fit subject for consideration under the provisions of

Persons under eighteen not to be tried before justice, etc

If juvenile court decides person was over eighteen

In case of persons under twenty-one

this act, he may make such order or orders hereunder as he may deem best in relation to such person: but if such judge shall at any time conclude that such person is not a fit subject for further consideration under this act, he may sit as a committing magistrate and hold a preliminary examination if such person is charged with a felony, or he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge, and upon receipt of the mandate of said juvenile court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof

Statutes of limitations suspended

All statutes of limitations relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice or recorder of his certificate heretofore provided for until said juvenile court, or judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of twenty-one years, shall be suspended as to such charge and person whenever, and as long as, such person is before the juvenile court for consideration under the provisions of this act, or is detained by virtue of any commitment issued hereunder and unrevoked; but if said person shall be discharged by the juvenile court as reformed, such order of discharge shall constitute a bar to any further proceedings in any court against said person upon said charge.

Persons under twenty-one charged with felony

SEC 7. Whenever any person over the age of eighteen years and under the age of twenty-one years is accused of a felony or misdemeanor by indictment or information therefor in the superior court of the county wherein the crime was committed, the judge may in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense, or any attempt to commit a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether such person shall be dealt with as a ward of the juvenile court under the provisions of this act. If the court is satisfied upon such investigation that said person should be declared a ward of the juvenile court and should be dealt with under this act, it may make such order or orders as herein provided for the disposition of such wards. If such person thereafter proves not to be amenable to the discipline of the state school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a state penitentiary, such person shall be returned to the committing court, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried

for the offense alleged in the information, and if convicted shall be sent to the penitentiary for such time as the court may determine or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty, as the case may be.

If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a ward of the juvenile court in the manner hereinbefore provided in the case of the application and consent of the accused before trial, and may make such order of probation or commitment to said state schools, and may from time to time modify said probation orders, as is herein provided in the case of persons adjudged wards of the juvenile court. If such person during the period of his commitment to said state institution, proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to a state prison, then said person shall be returned to the superior court in which the verdict was rendered, for sentence, and thereupon the court shall pronounce judgment.

SEC. 8. When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act shall be adjudged by said court or judge to come within the terms of any of said subdivisions, and adjudged to be a ward of the juvenile court, the court may make an order committing said person for such time as the court may deem fit, but not beyond the time when such ward of the juvenile court shall reach the age of twenty-one years, either (a) to the home and care of some reputable person of good moral character, or (b) to the care of some association, society or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, willing and able to receive and care for said ward, or (c) to the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of said ward until suitable provision may be made for said ward in a home without such payment, said ward to be subject to the supervision of the probation officer and the further order of the court; or (d) on probation to the care of the probation officer, said ward to remain in the home of said ward, or in any other fit home in which the court may order the probation officer to place said ward, subject to the visitation of the probation officer, said ward to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may

May be committed to state schools

If person proves incorrigible

Period of commitment and place

Preston and  
Whittier.

appear necessary or desirable; or (c) the court may, if said ward of the juvenile court be a boy, commit him to the Preston School of Industry, or to the Whittier State School, during his minority; *provided*, that no boy under the age of sixteen years shall be committed to the Preston School of Industry, nor any boy over the age of sixteen years to the Whittier State School, or if a girl, commit her to the California School for Girls, until twenty-one years of age; or may commit such person to any other state or county institution that is now established or may hereafter be established for the purpose of caring for and training persons that come within the provision of this act; *provided, however*, that before conveying any such person to any such institution it shall be ascertained from the superintendent thereof whether such person can be received; *provided, however*, that such commitment under this act to either the Preston School of Industry or the Whittier State School shall permit the transfer of any such boy from one institution to the other upon the agreement thereto by the superintendents of such institutions.

Court may  
admonish  
and dismiss

When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section one of this act shall be found by said court to come within said provisions, said court may at its discretion admonish said person and dismiss said petition.

Wards under  
eight or  
having  
contagious  
disease.

No ward who is under the age of eight years and no ward who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No person under the age of fourteen years at the time of the commission of any offense with which he may be charged shall ever be sent to a state prison unless he has first been committed to the Whittier State School, or the Preston School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No ward shall be committed to said state schools unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline of such schools.

History of  
ward.

Accompanying the commitment papers, the court must send to the superintendent of the state institution to which said person is committed a summary of all the facts in the possession of the court, covering the history of the ward committed, including a statement of the mental and physical condition of said ward.

Order may  
be modified

SEC. 9. Any order made by the court in case of any person subject to the jurisdiction of the court under the provisions of any of subdivisions one to thirteen inclusive of section one of this act may at any time be changed, modified or set aside as to the judge may seem meet and proper; *provided, however*, that nothing in this act contained shall be deemed to interfere with the system of parole and discharge that is

Parole  
system not  
affected.

now or may hereafter be provided by law, or by rule of the board of trustees of the Whittier State School, the Preston School of Industry or the California School for Girls, or any similar state institution or institutions, respectively, for the parole and discharge of wards of the juvenile court committed to the said schools or to any similar state institutions hereafter created, or with the management of the said schools, save that the court committing a ward to any of said schools may thereafter change, modify or set aside said order of commitment upon ten days' notice of the hearing of the application therefor being served by United States mail upon the superintendent of the said school to which said person has previously been committed, and providing that the court shall not then change, modify or set aside said order without due consideration of the effect thereof upon the discipline and parole system of said school or institution.

SEC. 9a. No order of court or modification thereof shall be made in any juvenile court proceedings concerning any ward of the juvenile court either in chambers, or otherwise, without notice of the application therefor having first been given by the judge or the clerk of said court to the probation officer.

Notice to probation officer.

SEC. 9b. No ward of the juvenile court as defined in this act shall be taken from the custody of his parent or legal guardian, without the consent of such parent or guardian unless the court shall find such parent or guardian to be incapable of providing or to have failed or neglected to provide proper maintenance, training and education for said person; or unless said person has been tried on probation in said custody and has failed to reform, or unless said person has been convicted of crime by a jury, or unless the court shall find that the welfare of said person requires that his custody be taken from said parent or guardian.

Taking ward from parent.

SEC. 10. Should it develop, either at the time of their presentation, or after having become an inmate thereof, that any person, who has been committed to either of such institutions is an improper person to be there retained or so incorrigible or so incapable of reformation under the discipline of the school to which such person may be committed as to render his or her retention detrimental to the interests of the school, the superintendent may, with the approval of the board of trustees of such institution, return such person to the committing court. And in the event of such return, the transportation of such person shall be made in the same manner, and the compensation therefor, if any, shall be paid as is provided for in the execution of an order of commitment to such institution.

Incorrigible person returned to court

When any ward of the juvenile court under subdivision thirteen of section one of this act shall have been accused of a felony and no indictment or information shall have been filed, and said ward shall have been committed to either of said schools and shall there prove to be incorrigible or not

Judge to sit as committing magistrate.

amenable to the discipline of the said school, and shall be returned to the custody of the juvenile court, which in such case the trustees of said school are hereby authorized to do, it shall be the duty of the judge of said court to sit as a committing magistrate and hold the preliminary examination of such person, and if upon said hearing he shall determine that there is probable cause to believe that the said person has committed the offense charged in the petition theretofore filed in said court, he shall hold such person to answer to the superior court, and thereupon the usual proceedings shall be had for the trial of said case in the superior court after the filing of the information in pursuance to said order of said judge sitting as a committing magistrate, and said person shall be tried by court and jury in the usual manner for the trial of a felony.

Support of  
ward.

SEC. 11 Any order providing for the care and custody of a ward of the juvenile court may provide that the expense of support and maintenance of said ward shall be paid by the parent, parents, guardian of said ward or other person liable therefor, after citation thereto, or from the earnings, property or estate of said ward, and in such case shall state the amount to be so paid. If it is found, however, that the parent, parents, guardian of said ward, or other person liable therefor, are unable to pay or that the earnings, property, or estate, of said ward is insufficient to pay the whole expense of support and maintenance of said ward, the court may, direct such additional amount as may be necessary for the maintenance and support of said ward to be paid from the county treasury of the county for the support and maintenance of said ward, the amount so ordered to be paid from the treasury of said county not to exceed, in the case of any one ward, the sum of eleven dollars in any one month. No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward. No order for the payment of all or part of the expense of support and maintenance of a ward of the juvenile court from the county treasury shall be effective for more than six months, and upon said original and all subsequent hearings the case shall be continued on the calendar, but in no instance to exceed six months.

Paid to  
probation  
officer.

The judge of the juvenile court may provide that the amount, or any part of the amount, so paid by parents, parent, guardian or other person liable therefor or from the earnings, property or estate of said ward, shall be paid to the probation officer, to be by him paid as the court shall direct, first, to reimburse the person, association or institution that under court order is caring for and maintaining said ward and after such reimbursement to reimburse the county. For such purpose said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon

to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

In all cases the court may determine whether or not the parent, parents or guardian shall exercise any control of said ward and shall define the extent thereof. Any disobedience or interference with the custody and control of said ward shall constitute a contempt of court.

Extent of  
parents'  
control.

It shall be the duty of the probation officer to see that such parent, guardian, or other person liable therefor, comply with such orders, or upon three months failure to make such payment to report such failure to said court. The court may thereafter set aside, change or modify any order herein provided for.

Duty of  
probation  
officer.

SEC. 12. The court shall retain the jurisdiction of any person who is found to be a ward of the juvenile court until such ward attains his majority, or if a girl, until she attains the age of twenty-one years, unless she is married with the consent of the court entered upon the minutes of the court, or until said court is satisfied that said ward has fully reformed or that further direction and supervision under the provisions of this act are unnecessary or inadvisable for said ward's reformation.

Jurisdiction  
retained  
until ward  
is twenty-  
one

SEC. 13. Whenever a petition has been filed in the juvenile court of a county other than that of the residence of said ward, the entire case may be transferred at any time to the juvenile court of the county wherein said person resides and thereafter the juvenile court in the latter county shall have jurisdiction of the case. The expense of the transfer of said person shall be borne by the parent, parents, or guardian of the person so transferred or shall be paid out of the earnings, property or estate of said person, or if the parent, parents or guardian are unable to pay the same or if the earnings, property or estate of said person is insufficient to pay the same the court shall order the same to be paid from the county treasury of the county ordering the transfer. Whenever a case shall be transferred thereunder, the order of transfer shall recite (a) each and all the findings, orders or modification of orders that may have been made in said case, and (b) that said person resides in or has removed to the county to which said matter has been transferred and (c) to said order of transfer shall be attached a certified copy of the original petition in said matter. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or probation officer covering the history of said person.

Transfer of  
cases.

Order of  
transfer.

SEC. 14. In the case of a person alleged to come within the provisions of section one of this act, the juvenile court, pending the hearing, at any time before the person is adjudged a ward or otherwise disposed of, may order that said person be detained in any detention home provided for that purpose by any county, or said person may otherwise be temporarily provided for as to the court may seem fit, in any manner provided herein for the care of a ward of the juvenile court; *provided, further*, that should the legislative body of the county

Detention  
pending  
hearing

provide a suitable place for the detention of wards of the juvenile court, such wards may be committed thereto for a definite period to be specified in such order, at the end of which time such wards shall be brought before the court for further order of court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place.

No commit-  
ment to jail.

No court, judge, magistrate or peace officer shall commit a person under sixteen years of age to any jail or prison, before trial and conviction, or detain such person therein, but if any such person is not released pending such hearing, he may be committed to the care and custody of a sheriff, constable or other peace officer, who shall keep such person in a detention home or some other suitable place outside of the enclosure of any jail or prison, as the court may direct. When any person under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such person in the same room, yard or enclosure with such adult convicts or prisoners, or to permit such person to come or remain in contact with such adult convicts or prisoners.

Persons free  
from parents'  
control.

SEC. 15. Within the meaning of this act the words "persons who should be declared free from the custody and control of his parents" shall include any person:

1. Who has been left in the care and custody of another by his parent or parents without any provision for his support, or without communication from such parent or parents, for the period of one year with the intent to abandon said person; such failure to provide, or such failure to communicate for the period of one year shall be presumptive evidence of the intent to abandon; such person shall be deemed and called an abandoned person; or

2. Who has been cruelly treated or neglected by his parent or parents; *provided*, that in either instance, said person shall have been a ward of the juvenile court and the parents deprived of his custody because of such cruel treatment or neglect for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of his parents: or

3. Whose parent or parents are habitually intemperate; *provided*, that said person shall have been a ward of the juvenile court and the parents deprived of his custody because of such intemperence for the period of one year, continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of his parents.

Citation to  
issue upon  
filing of  
petition

SEC. 15a. Upon the filing of a petition, as provided in section three of this act, alleging that there is within the county or residing therein a person who should be declared free from the custody and control of his parents, as defined in this act, and praying that the superior court deal with said person as provided in this act, a citation shall issue, requiring the person or persons having the custody or control of said person or the person or persons with whom said person may be, to appear with said person at a time and place stated in the citation.

Service of such citation must be made at least ten days before the time stated therein for such appearance. The parent or parents of said person, if residing within the State of California, and if their place of residence be known to the petitioner, or, if there be no parent so residing, or if the place of residence of such parent or parents be not known to the petitioner, then some relative of said person, if any there be residing within the state, and if his residence and relationship to said person be known to the petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. Service of such citations must be made at least ten days before the time stated therein for such appearance.

SEC. 15b. If the parent or parents of said person reside outside of the State of California, or if their places of residence be not known to the petitioner, the petitioner or his agent, or attorney, shall make and file an affidavit wherein there shall be stated the names of the parent or parents who reside outside of the state and their places of residence, if known to the petitioner, and the names of the parent or parents residing in or out of the state whose places of residence are unknown to the petitioner and thereupon the judge of the juvenile court shall make an order directing a citation requiring him or them to appear at the time and place stated in such citation, to be served upon the parent or parents residing out of the state whose places of residence are known to the petitioner and upon the parent or parents residing in or out of the state whose places of residence are unknown to the petitioner by publication in some newspaper of general circulation printed and published in the county in which the court sits, and if there be no such paper in such county, then in some adjoining county to be designated by the judge of the juvenile court, which publication shall be once a week for four successive weeks.

When parents reside outside of state.

SEC. 15c. Within ten days after the making of said order, a copy of the citation, properly addressed and with the postage thereon fully prepaid, shall be mailed to the parent or parents who reside outside of the state at their places of residence, if known to the petitioner.

Citation mailed

SEC. 15d. When publication is ordered, personal service of a copy of the citation out of the state shall be equivalent to publication and deposit in the post office. In either case, the service of the citation shall be complete upon the completion of the publication and the time stated for the appearance of the parent or parents in a citation so served shall be not less than thirty days after the completion of such service.

Service of citation.

SEC 15e. In any case the judge of the juvenile court may appoint some suitable party to act in behalf of said person and may order such further notice of the proceedings to be given as he may deem proper. If any party, cited as herein provided, shall fail without reasonable cause to appear and abide by the order of the court, or to bring said person if so required in the citation, such failure shall constitute a contempt

Failure to appear, contempt.

of said court. In case such citation can not be served, or the party served fails without reasonable cause to obey the same, a warrant of arrest shall issue on the order of the court, either against the parent or the custodian of said person or with whom the said person may be, or against the said person himself, or any or all said persons; or if there be no party to be served with citation as above provided, a warrant of arrest may be issued immediately against the said person.

Hearing  
of case

SEC. 15*f*. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case, after full and careful consideration of all the evidence presented and with due regard to the legitimate rights and claims of the parent or parents of said person, and with due regard to any and all ties of blood or affection, but with the dominant purpose of serving the best interests of said person.

Order depriving  
parent  
of control

SEC. 15*g*. Whenever the procedure laid down in section three and sections fifteen *a*, fifteen *b*, fifteen *c*, fifteen *d*, fifteen *e*, or fifteen *f* has been followed, the juvenile court shall be empowered to make a final written order signed by the judge presiding in said court, judicially depriving the parents of the custody and control of a person who should be declared free from the custody and control of his parents; *provided*, that nothing in this section shall be construed to impair the right of the court to make orders or commitments under any other section of this act. Any final order made and entered by the court under the provisions of this section, shall be conclusive and binding upon the person declared free from the custody and control of his parents, upon such parents, and upon all other persons who have been served with citation by publication or otherwise as herein provided. After making such final order, the court shall have no power to set aside, change or modify the same; *provided*, that nothing in this section shall be construed to impair the right of appeal.

Superior  
court known  
as "juvenile  
court"

SEC. 16. The superior court in every county and city and county in this state shall exercise the jurisdiction conferred by this act, and while sitting in the exercise of its said jurisdiction shall be known and referred to as the "juvenile court." In counties or cities and counties having more than one judge of the superior court, the judges of such court shall annually, in the month of January, designate one or more of their number, whose duty it shall be to hear all cases coming under this act; *provided*, that nothing in this section contained shall be construed in conflict with article VI, section VI of the constitution of the State of California. The orders and findings, if any, of the superior court in all cases coming under the provisions of this act, shall be entered in a suitable book or books or other form of written record, to be kept for that purpose, and known as the "juvenile court record," and the court, when acting under this act, shall be called the "juvenile court." All cases coming under the provisions of this act shall be heard at a special or separate session of the court, and

no other matter shall be heard at such session, nor shall there be permitted to be present at such session, except as a witness in said matter, any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

SEC. 16a. Any person alleged or adjudged to come within any of subdivisions 1 to 13 inclusive of section 1 of this act shall be entitled to have any proceeding concerning such person, heard privately, and upon the request of said person, or either of his parents, or guardian, such hearing shall be had privately in the manner provided by law for private hearings at preliminary examinations. Private hearing.

SEC. 17. The judge of the superior court in and for each county, or city and county, of the state, and in counties where there is more than one judge of said court, the judge of the superior court in said county who has been designated the judge of the juvenile court shall, by order entered in the minutes of the court, appoint seven citizens of good moral character, to be known as the "probation committee," and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee, and thereupon said person shall appear before the judge of the said court and qualify by taking an oath, which shall be entered in said juvenile court record, to perform faithfully the duties of a member of such probation committee. Probation committee.

SEC. 17a. The members of such probation committee shall hold office for four years, and until their successors are appointed and qualify; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years: when any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation committee may be removed for cause at any time by an affirmative vote of four members of said committee at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of the judge of the juvenile court filed with the clerk of the juvenile court, said written approval to be filed within thirty days after the written report of said committee has been received by said judge. Written notice as to said special meeting shall be served on each of the members of said committee at least ten days prior to the day set therefor and shall specify the purpose thereof. Term of office  
Vacancy.  
Removal.  
Meetings.

SEC. 17b. The juvenile court, or the judge thereof, may at any time and upon request of the county board of supervisors shall require said probation committee or the probation Examination of societies.

officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, receiving, or applying for, any ward of the juvenile court and to report thereon to the court; *provided*, that nothing in this section shall be construed as giving any probation officer or probation committee any power to enter any institution without the consent of such institution but in the event that such consent is refused, commitments thereto shall not be made. It shall be the duty of each probation committee to prepare each year one or more reports in writing on the qualifications and management of all societies, associations, corporations and institutions, except state institutions, applying for or receiving any ward of the juvenile court from the courts of their respective counties, and in such report said committee may make such suggestions or comments as to them may seem fit; such report shall be filed for the information of said court with the clerk of the juvenile court appointing such committee. The probation committee shall also make to the court an annual report to be filed as a public document prior to the first day of December, copies of which shall be filed with the county board of supervisors and the state board of charities and corrections. It shall be the duty of the probation committee to exercise a friendly supervision and visitation over the wards of the juvenile court when so directed by the court, to furnish the court information and assistance whenever required upon the request of the court and from time to time, to advise and recommend to the court any change or modification of the order made in the case of a ward of the juvenile court as may be for the best interests of such person. Upon request of the judge any member of the probation committee shall investigate the case of an alleged ward of the juvenile court coming under the provisions of this act, and render a report thereon to the judge. The probation committee shall also have the control and management of the internal affairs of any detention home or branch detention home heretofore or hereafter established by the county board of supervisors; and it shall be the duty of said board of supervisors to provide for the payment of such employees as may be needed in the efficient management of such detention home or branch detention home or homes

Annual  
report

Supervision  
of wards.

Control of  
detention  
home.

Compensa-  
tion

SEC. 17c. Members of the probation committee shall serve without compensation, but shall be allowed their reasonable traveling expenses as approved by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses. All orders by the juvenile court judge upon the county treasury shall be filed in duplicate with the county board of supervisors

Probation  
offices  
created.

SEC. 18 The offices of probation officer and assistant probation officer and deputy probation officer are hereby created.

The probation officers and assistant probation officers to serve hereunder in any county shall be nominated by the probation committee in manner as the judge of the juvenile court in the respective counties shall direct, and the appointment of such probation officers and assistant probation officers shall then be made by the judge thereof. The term of office of the probation officers and assistant probation officers shall be two years from the date of their said appointments. All probation officers and assistant probation officers receiving a salary of seventy-five dollars or more per month shall devote their entire time and attention to the duties of their offices, and no such probation officer or assistant probation officer, while holding such office and receiving salary therefor, shall be a candidate for or seek the nomination for any other public office or employment, and no person shall be appointed to and receive the salary attached to such office of either probation officer or assistant probation officer who is a sheriff or constable or is related to the judge of the juvenile court or to a member of the probation committee of such county, by consanguinity or affinity within the third degree computed according to the rules of law. Such probation officers and assistant probation officers may at any time be removed by the judge of the juvenile court for good cause shown; *provided*, that the judge of the juvenile court may at any time in his discretion remove any such probation officer or assistant probation officer with the written approval of a majority of the probation committee. Every probation officer and every assistant probation officer receiving an official salary shall, at the time that he files his oath of office, file with the county clerk of the county his official bond approved by the judge of the juvenile court. The judge of the juvenile court shall have authority by an order entered in the minutes of said court to determine and fix the amount of bonds of the probation officer of the county and of his assistants. If said bonds, or any of them, are furnished by any surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Term of office.

Salaries.

Removal.

Bond.

There shall be appointed, as herein provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall have been approved by a majority vote of the members of the probation committee, and by the judge of the juvenile court. The term of office of such deputies shall expire with the term of the probation officer making such appointment, but the probation officer with the written approval of the majority of the members of the probation committee and of the judge of the juvenile court, may, at any time in his discretion revoke and terminate such appointment. Such deputies, except as hereinafter provided, shall serve without compensation; *provided, however*, that in counties having charters providing a method of appointment and tenure of office for probation officers and members of the probation committee, such charter

Officer in each county, deputies

provision shall control as to such matters. and boards of supervisors, if thereto authorized thereby may increase or decrease the number of assistants and deputies and the salary of the probation officer and such assistants, deputies and clerks.

Referees in  
counties of  
first class

SEC 19. In counties of the first class the judge of the juvenile court, may appoint referees in juvenile court matters. Said referees shall have the usual power of referees in chancery cases in all such cases submitted to them by the court; shall hear the testimony of witnesses and certify to the judge of the juvenile court their findings upon the case submitted to them, together with their recommendation as to the judgment or order to be made in the case in question.

The court, after notice of the presentation of such findings and recommendation, to the parents of such person, may make the order recommended by the referee, or any other order in the judgment of the court required by the findings of the referee, or may hear additional testimony, or may set aside said findings and hear the case anew.

Female  
referees

In appointing a referee for the trial of females, a female referee shall be appointed where possible. Such referee shall serve without compensation save that in counties of the first class having charters, the boards of supervisors shall fix the compensation for at least two such referees. Where a case has been submitted to a referee, as herein provided, without any previous order for temporary custody having been made, the referee shall from time to time, recommend to the court such order or orders for temporary custody as may seem necessary. Thereupon such order shall be made unless the court shall determine otherwise.

Officers in  
counties of  
first class

SEC 19a. In counties of the first class there shall be one probation officer and twenty-nine assistant probation officers, and clerks. The salaries of said officers shall be as follows: Probation officer, two hundred dollars per month; two assistant probation officers, each one hundred and fifty dollars per month; nineteen assistant probation officers, each one hundred dollars per month; one assistant probation officer to act as probation officer's bookkeeper, one hundred dollars per month; one assistant probation officer to act as probation officer's clerk, eighty-five dollars per month; three assistant probation officers to act as stenographers to the probation officers in clerical work, each seventy-five dollars per month; one assistant probation officer to act as stenographer, sixty-five dollars per month; one assistant probation officer to act as telephone exchange operator, fifty dollars per month; one assistant probation officer who shall be a physician at one hundred and twenty-five dollars per month.

Second class

SEC. 19b. In counties or cities and counties of the second class there shall be one probation officer and ten assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred and twenty-five dollars per month; two assistant probation officers, each one hundred and seventy-five dollars per month and eight assistant probation officers, at one hundred and twenty-five dollars per month each.

Sec. 19c. In counties of the third class there shall be one Third class probation officer and eight assistant probation officers. The salaries of said officers shall be as follows: Probation officer, two hundred dollars per month; one assistant probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and sixty dollars per month; one assistant probation officer, one hundred and fifty dollars per month; one assistant probation officer, one hundred and twenty-five dollars per month; two assistant probation officers, each one hundred dollars per month; two assistant probation officers, each seventy-five dollars per month.

Sec. 19d. In counties of the fourth class there shall be one Fourth class probation officer, one assistant probation officer, and one deputy probation officer who shall act as probation officer's clerk. The salaries of said officers shall be as follows: Probation officer, one hundred and fifty dollars per month; assistant probation officer, one hundred dollars per month; and one deputy probation officer to act as probation officer's clerk, seventy-five dollars per month.

Sec. 19e. In each of the counties of the fifth and sixteenth Fifth and sixteenth classes class, there shall be one probation officer whose salary shall be one hundred and fifty dollars per month. In counties of the fifth class there shall be one assistant probation officer whose salary shall be one hundred and twenty-five dollars per month, one assistant probation officer at a salary of one hundred dollars per month and one assistant probation officer, who shall be a competent stenographer, at a salary of eighty-five dollars per month.

Sec. 19f. In counties of the sixth class there shall be one Sixth class probation officer and three assistant probation officers. The salaries of such officers shall be as follows: Probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and fifty dollars per month; one assistant probation officer, one hundred dollars per month; and one assistant probation officer to act as probation officer's clerk, one hundred dollars per month.

Sec. 19g. In counties of the seventh class there shall be one Seventh class probation officer and three assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and fifty dollars per month; one assistant probation officer, one hundred and twenty-five dollars per month; and one assistant probation officer, one hundred dollars per month.

Sec 19h. In counties of the eighth class there shall be one Eighth class probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, one hundred dollars per month; assistant probation officer, seventy-five dollars per month.

Sec. 19i. In each of the counties of the ninth, twelfth, Ninth, etc. classes thirteenth, fifteenth, seventeenth, eighteenth, nineteenth, twenty-second, twenty-third, twenty-sixth, twenty-seventh,

thirtieth, thirty-third and thirty-sixth class, there shall be one probation officer whose salary shall be one hundred dollars per month. In counties of the ninth class there shall be two assistant probation officers, whose salaries shall be as follows: One assistant probation officer, whose salary shall be seventy-five dollars per month and one assistant probation officer whose salary shall be fifty dollars per month. In counties of the twelfth class, there shall be one assistant probation officer whose salary shall be seventy-five dollars per month. In counties of the thirteenth class there shall be one assistant probation officer whose salary shall be twenty-five dollars per month. In counties of the eighteenth class there shall be four assistant probation officers whose salaries shall be twenty-five dollars per month each. In counties of the twenty-third class there shall be one assistant probation officer whose salary shall be fifty dollars per month. In counties of the twenty-sixth class there shall be one assistant probation officer whose salary shall be forty dollars per month.

Tenth class.

SEC. 19j. In counties of the tenth class there shall be one probation officer whose salary shall be one hundred and sixty-six dollars per month, and one assistant probation officer whose salary shall be seventy-five dollars per month.

Eleventh and  
fourteenth  
classes.

SEC. 19k. In each of the counties of the eleventh and fourteenth class there shall be one probation officer whose salary shall be one hundred and twenty-five dollars per month, and also an assistant probation officer whose salary shall be fifty dollars per month.

SEC. 19l. In each of the counties of the twentieth and thirty-second class, there shall be one probation officer whose salary shall be seventy-five dollars per month. In counties of the twentieth class there shall be one assistant probation officer, whose salary shall be fifty dollars per month.

SEC. 19m. In each of the counties of the twenty-first, thirty-ninth, fortieth and forty-second class, there shall be one probation officer whose salary shall be fifty dollars per month.

SEC. 19n. In each of the counties of the twenty-fourth, twenty-eighth, twenty-ninth, thirty-seventh, forty-first, forty-third, forty-fifth, forty-sixth, forty-seventh, forty-ninth, fifty-first, fifty-second, fifty-third, fifty-fourth, and fifty-sixth class, there shall be one probation officer whose salary shall be thirty-five dollars per month.

SEC. 19o. In each of the counties of the twenty-fifth class, there shall be one probation officer whose salary shall be one hundred and twenty-five dollars per month, and one assistant probation officer whose salary shall be fifty dollars per month.

SEC. 19p. In each of the counties of the thirty-first class, there shall be one probation officer whose salary shall be sixty dollars per month.

SEC. 19q. In counties of the thirty fourth class, there shall be one probation officer whose salary shall be ninety dollars per month.

SEC. 19r. In counties of the thirty-fifth class, there shall be one probation officer who shall maintain an office in the court house at the county seat. The salary of said probation officer shall be one hundred dollars per month.

SEC. 19s. In each of the counties of the forty-fourth and fifty-fifth class, there shall be one probation officer whose salary shall be ten dollars per month.

SEC. 19t. In each of the counties of the forty-eighth and fiftieth classes, there shall be one probation officer whose salary shall be twenty-five dollars per month.

SEC. 19u. In each of the counties of the fifty-seventh and fifty-eighth class, there shall be one probation officer whose salary shall be five dollars per month.

SEC. 19v. In counties of the thirty-eighth class there shall be one probation officer whose salary shall be seventy dollars per month and one assistant probation officer whose salary shall be fifty dollars per month.

SEC. 19w. The salaries of all probation officers and assistant probation officers shall be paid out of the county treasury of the county for which they are appointed, respectively, in the same manner as the salaries of the other county officers. The probation officers and assistant probation officers and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any laws of the State of California as may be authorized by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specific amount of such expenses. The probation officer shall keep a list of expenses and file a copy monthly with the county board of supervisors.

Payment of salaries

SEC. 20. The probation officer shall inquire into the antecedents, character, family history, and environment of every person brought before the court, and of every person alleged to be a person who should be declared free from the custody and control of his parents, and into the cause of such person being brought before the juvenile court, and shall make his report in writing to the judge thereof.

Duty of probation officers

Whenever application is made to the district attorney of the county for the drawing of a petition hereunder, it shall be the duty of the said probation officer to make such investigation as may be required by the said district attorney, or if the application has been made to the probation officer, said probation officer shall make such investigation as to him may seem necessary for the purpose of determining the necessity for the filing of a petition. If, after such investigation it appears to said district attorney or to said probation officer to whom said application has been made that proceedings

To make investigations.

should not be brought hereunder, said district attorney or said probation officer to whom said application has been made may refuse to draw said petition.

To be in court.

It shall also be the duty of the probation officer to be present in court to represent the interests of said person when the case is heard, and to furnish to the court such information and assistance as the court may require and to make such report at such time, and to take charge of said person before and after the hearing as may be ordered. Every probation officer, assistant probation officer and deputy probation officer shall have the power of a peace officer. At any time the probation officer may bring any such ward committed to his care before the court with written report and recommendation for such further order or other action as the court may deem proper. Before any such ward is recommitted, the probation officer shall inquire into the reasons assigned for such action and shall be present in court to represent the interests of such ward.

Power of attendance officer.

Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties.

Probation officers' reports.

Every probation officer, within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the county board of supervisors and to the secretary of the state board of charities and corrections of this state a copy thereof. Such report, without giving names, shall state separately the exact number of neglected, dependent, and delinquent persons and wards of the juvenile court that remain under commitment to the care and custody of the probation officer, and the exact number of such persons of whose cases other disposition has been made, as such number exists, deducting all cases dismissed or discharged as reformed, or where such person has passed the age of twenty-one years upon such thirty-first day of December, segregating such persons as having been adjudged by such juvenile court to be neglected, dependent, delinquent, or wards of the juvenile court, as the case may be, in nineteen hundred and three, nineteen hundred and four, nineteen hundred and five, and so on, up to and including the calendar year for which such report is made and filed. Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer: and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

Penalties.

SEC. 21. Any person who shall commit any act or omit the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of

twenty-one years to come within the provisions of any of subdivisions 1 to 13 inclusive of section one of this act, or which act or omission contributes thereto, or any person who shall, by any act or omission, or by threats, or commands, or persuasion, induce or endeavor to induce any such person, under the age of twenty-one years, to do or to perform any act or to follow any course of conduct, or to so live as would cause or manifestly tend to cause any such person to become or to remain a person coming within the provisions of any of subdivisions 1 to 13 inclusive of section one of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than two years, or by both such fine and imprisonment, or may be released on probation for a period not exceeding five years; and the superior court, sitting as a juvenile court, shall have original jurisdiction over all such misdemeanors. The court may also, as a condition of such probation, require a bond in such sum as the court may designate, to be approved by the judge requiring the same, to secure the performance by such person of the conditions imposed by the court on such probation. Such bond shall by its terms be made payable to the State of California and any moneys received for the breach thereof shall be paid into the county treasury.

SEC. 22. It shall be the duty of the legislative body of every county, or city and county, immediately upon this act becoming effective, to provide and thereafter maintain, at the expense of such county, or city and county, in a location approved by the judge of the juvenile court, a suitable house or place to be known as the "detention home" of said county, or city and county, for the detention of wards of the juvenile court and of persons alleged to come under the provisions of subdivisions 1 to 13 inclusive of section one of this act. Such detention home must not be in, or connected with any jail, or prison, and shall be conducted in all respects as nearly like a home as possible and shall not be deemed to be nor be treated as a penal institution. Such legislative body must also provide for a suitable superintendent and matron to have charge of such detention home, and for such other employees as may be needed in the efficient management of such detention home, and provide for the payment, out of the general fund of the county, or city and county, of suitable salaries for such superintendent and matron, and such other employees, such superintendent, matron and other employees to be appointed by said legislative body upon the nomination of the probation committee and the approval of the judge of the juvenile court. The superintendent of the detention home shall keep a classified list of expenses, and shall file a duplicate copy with the county board of supervisors. The superintendent, matron, or other employee of such detention home, may, at any time be removed by the probation committee in its discretion.

Detention  
home

Superinten-  
dent and  
matron

Appeal from  
judgment.

SEC. 23. Every judgment or decree of a juvenile court assuming jurisdiction and declaring any person to be a ward of the juvenile court or a person free from the custody and control of his parents may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment; but no such order or judgment shall be stayed by such appeal, unless suitable provision is made for the maintenance, care and custody of such person pending the appeal, to be approved by an order of the said juvenile court. Such appeal shall have precedence in the court to which the appeal is taken over all other cases.

Construction  
of act.

SEC. 24. This act shall be liberally construed, to the end that its purpose may be carried out, to wit, that the care, custody and discipline of a ward of the juvenile court, as defined in this act, shall approximate as nearly as may be that which should be given by his parents, and in all cases where it can be properly done, the ward of the juvenile court, as defined in this act, shall be placed in an approved family, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise. All commitments to institutions or for placement in family homes under this act shall be, so far as practicable, either to institutions or for placement in family homes of the same religious belief as that of the person so committed or of his parents or to institutions affording opportunity for instruction in such religious belief. In any detention or commitment under this act, no merely unfortunate person shall be brought into direct contact or personal association with any wayward person of evil influence. In all cases of female persons over the age of five years coming under the provisions of this act, such persons shall be dealt with, so far as possible, by or in the presence of a woman probation officer, assistant probation officer, deputy probation officer, a woman member of the probation committee, or other woman; and in transporting female persons coming under any of the provisions of this act, such persons shall be transported in the care and custody of a woman. In this act the word "county" shall include "city and county," the plural shall include the singular, and the singular shall include the plural, and the word "ward" shall mean "a ward of the juvenile court," as defined in this act.

Acts super-  
seded.

SEC. 25. This act shall supersede all provisions of the act entitled "An act to establish a state school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, and all provisions of the act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, relating to the mode of commitments to the institutions therein named; but said acts shall control as to all matters concerning the management of said institutions, respectively.

SEC. 26. The juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof, and all acts or parts of acts inconsistent herewith are hereby repealed; *provided, however*, that nothing herein contained shall be deemed to interfere with the management of any state school except as herein expressly provided; *provided, further*, that all orders and judgments heretofore made under the acts hereby repealed shall continue in full force and effect and the court shall retain jurisdiction of all persons now subject to the jurisdiction thereof, and such persons shall be herein dealt with in the same manner as if all previous orders had been made under the provisions of this act, and all proceedings now pending under said act shall be continued under the provisions of this act. Acts repealed

Persons charged with crime under the provisions of section twenty-six of said law of nineteen hundred eleven, or section twenty-eight of said law of nineteen hundred thirteen, shall be tried and punished under the law as it existed at the time of said alleged offense.

All officers holding office under the provisions of said acts shall be continued therein, subject hereto and nothing herein contained shall be deemed to interfere with their term or tenure of office.

SEC. 27. If any one section or sections, or portion or portions of a section, or any paragraph or paragraphs, or sentence or sentences of this act are declared invalid such declaration shall not affect the rest of the law. Constitutionality.

CHAPTER 632.

*An act to recognize and declare valid all proceedings in and relative to the Waterford irrigation district and the organization thereof.*

[Approved May 21, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The Waterford irrigation district, situated in the county of Stanislaus, as formed by the board of supervisors of said county of Stanislaus, State of California, and as now existing or as hereafter modified according to law is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid, and said Waterford irrigation district is hereby declared to be a duly organized irrigation district. Waterford irrigation district validated

## CHAPTER 633.

*An act to authorize municipal corporations with the consent of original dedicators to abandon parks and sell and convey the land embraced therein, and reinvest the proceeds from the sale thereof in the purchase of other public grounds.*

[Approved May 27, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Parks may be sold.

SECTION 1. Whenever a plat or map of a townsite has been recorded in the office of the county recorder of any county, purporting to dedicate to the use of the public any tract of land lying within said townsite, as a park, and thereafter the territory embraced within said townsite has been incorporated into a municipal corporation, and the board of trustees of said municipal corporation find that said tract of land is not appropriate, convenient, or necessary for park purposes, said board of trustees may, with the consent of the original dedicator, abandon and discontinue such park, and may sell and convey the land, and devote the proceeds from the sale thereof to the purchase of other public grounds.

Purchase of other lands.

SEC. 2. Before abandoning or discontinuing any such park, the board of trustees must have first acquired an option to purchase other lands of at least equal area. They then shall adopt a resolution of intention, describing the park to be abandoned or discontinued, and the property to be acquired from the proceeds of the sale thereof, and fixing the time when the board of trustees will meet to take final action thereon, which time must be at least thirty days after the adoption of said resolution.

Resolution published

SEC. 3. Said resolution shall be published once a week for at least three successive weeks prior to the day fixed therein for the meeting of the board of trustees, in a newspaper of general circulation published in said municipal corporation; and if no newspaper is published in said municipal corporation, then in any newspaper published in the county to be designated by said board of trustees. Said resolution shall also be conspicuously posted along the boundaries of the park proposed to be abandoned, at not more than one hundred feet in distance apart, but not less than four in all.

Hearing

SEC. 4. At the time stated in said resolution, the board of trustees shall meet, hear and pass on any objections that may be made to the abandonment of said park; and any person claiming an interest in said park or the land embraced therein, either as reversioner, remainderman, abutting property owner, or otherwise, may then and there object, and a failure of any such person to object shall be conclusive evidence that he consents to the proposed action of the board of trustees. Should the reversioner, remainderman, or the owners of a majority of the lots abutting on said park object in writing to the abandonment or discontinuance thereof, or should the board

of trustees sustain the objections made then, the proceedings therefor shall stop, but may be commenced again any time after six months, by the adoption of a new resolution of intention.

SEC. 5. In the event that neither the reversioner, remainderman, nor the owners of a majority of the lots abutting on said park object in writing to the abandonment thereof, and the other objections urged be overruled, the board of trustees shall be deemed to have acquired jurisdiction to order that the park be abandoned and discontinued.

SEC. 6. Having acquired jurisdiction as provided in the preceding sections, the board of trustees may order said park abandoned and discontinued, and unless no damage will result therefrom and no assessment is necessary, shall appoint three appraisers to assess the damages to the abutting property owners. For their services they shall receive such compensation as the board of trustees may determine.

SEC. 7. Said appraisers shall proceed with all diligence to ascertain and determine the extent of damages which will result to each lot or tract of land abutting upon the said park from the abandonment and discontinuance thereof, and file a written report of their findings with the board of trustees.

SEC. 8. Upon filing the said report, the city clerk shall give notice of such filing and fix the time and place at which said report will be considered by the board of trustees. Said notice shall be published for at least two weeks prior to said meeting of the board of trustees in a newspaper published in said city. If there is no newspaper published in said city, then by posting said notice in three public places within said city for two weeks prior to said meeting. Said notice shall require all persons interested to show cause, if any, why such report should not be confirmed. At the time fixed for the hearing of said report, or at such other time as the hearing may be adjourned to, the board of trustees shall pass upon said report, together with any objections that shall be made thereto, and may confirm, correct or modify the same.

SEC. 9. Upon the adoption of said report, either as filed by the appraisers or as corrected and modified by the board of trustees, warrants shall be drawn in favor of the various lot owners to whom damages have been allowed in the amount specified in said report, which said warrants shall be payable out of the fund to be derived from the sale of said park lands.

SEC. 10. The board of trustees shall have power to employ such assistance, legal or otherwise, as they may deem necessary, to sell said land for the best advantage to the city, and pay such compensation therefor as they may fix.

SEC. 11. The board of trustees may order said land sold *en masse* or in lots or parcels, as may be most advantageous to the city; and they shall determine when and at what price said land or any part thereof shall be sold; and when authorized by a majority vote of the board of said trustees, the

Jurisdiction  
acquired

Appraisers.

Determina-  
tion of  
damages

Hearing on  
appraisers'  
report

Warrants for  
damages

Assistance  
in sale.

Details as to  
sale.

president and clerk shall sign, acknowledge and deliver a deed to said land, or any part thereof, in the name and under the seal of said municipal corporation, and such deed, when so signed, acknowledged, and delivered, shall convey to the purchaser thereof the title in fee to the land described in said deed.

Proceeds

SEC. 12. The proceeds from the sale of said land shall be deposited in the city treasury in a special fund and shall be used by said city exclusively in the purchase and improvement of other public grounds.

Definitions

SEC. 13. (a) The words "municipal corporation," and "city," shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purposes.

(b) The term "board of trustees" is hereby declared to include any body or board which, under the law, is a legislative department of the government of any city.

(c) The terms "clerk" and "city clerk," as used in this act are hereby declared to include any person or officer who shall be clerk of said board of trustees

(d) The term "president," as used in this act, is hereby declared to include mayor, president of the board of trustees, and the chief executive officer of the city by whatever designation he may be known.

(e) The term "original dedicator," as used in this act, is hereby declared to include any person or persons, their executors, administrators, heirs and assigns, and any company or corporation, its successors and assigns, who have dedicated for the use of the public, as a park, any tract of land within a municipal corporation.

(f) The term "abutting property owner," as used in this act, is hereby declared to include all property adjoining, facing and fronting on the said park.

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#### CHAPTER 634.

*An act to amend section six hundred fifty-four a of the Penal Code, relating to false representations as to property advertised to be sold and service advertised to be performed.*

[Approved June 1, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred fifty-four a of the Penal Code is hereby amended to read as follows:

False  
advertising  
prohibited

654a. Any person, firm, corporation or association, or any employee thereof, who, with intent to sell, furnish, perform, or in any way dispose of real or personal property, choses in action, merchandise, service, professional or otherwise, or anything of any nature whatsoever offered by such person, firm,

corporation or association, or any employee thereof, directly or indirectly, to the public for sale or distribution, or to induce the public, in any manner, to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, shall make, publish, disseminate, circulate, or cause to be made, published, disseminated or circulated, or, in any manner, place, or cause to be placed, before the public in the State of California, in any newspaper, magazine, book, pamphlet, circular, letter, notice, hand-bill, poster or other publication, or on any billboard, sign, card, label, or other advertising medium, or by means of any electric sign, window sign, show case or window display, or by any other advertising device, or by public outcry or proclamation, or in any other manner or means whatever, an advertisement of any sort regarding such real or personal property, choses in action, merchandise, service or anything so offered to the public, which advertisement shall contain any statement, representation or assertion concerning such real or personal property, choses in action, merchandise, service or anything so offered to the public, or concerning any circumstance or matter of fact connected in any way, directly or indirectly, with the proposed sale, performance or disposition thereof, which statement, representation or assertion is false or untrue, in any respect, or which is deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be false or untrue, deceptive or misleading, by the person, firm, corporation or association making, publishing, disseminating, circulating or placing before the public said advertisement, shall be guilty of a misdemeanor; *provided, however*, that this act shall not apply to any publisher of a newspaper, magazine, or other publication, who publishes said advertisement in good faith, without knowledge of its false, deceptive, or misleading character.

CHAPTER 635.

*An act to license and regulate the business of private detectives and detective agencies.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. No person, firm, association, co-partnership, or corporation shall engage in the business of private detective for hire or reward or advertise such business to be that of detective or of conducting a detective agency without having first obtained a license so to do from the state board of prison directors of the State of California in the manner hereinafter provided. Nor shall any person, firm, association, co-partnership or corporation engage for hire and reward, or hire or reward, in the business of furnishing or supplying information as to the personal character of any person or firm,

License for  
private  
detective  
agencies

or as to the character or kind of the business and occupation of any person, firm, or corporation, or own or conduct a bureau or agency for the above-mentioned purpose without having first obtained a license so to do from the state board of prison directors of the State of California in the manner hereinafter provided. Nothing contained in this act, however, shall apply to the business of obtaining and furnishing information as to the financial rating of persons, firms, or corporations.

Application  
to prison  
directors.

SEC. 2. Every person who desires to conduct, either as an individual or as manager for a firm, association, co-partnership, or corporation, the business of detective or detective agency or of furnishing or supplying information as to the personal character of any person or firm or as to the character or kind of the business and occupation of any person, firm, or corporation, shall present to the state board of prison directors and file in their office a written application which shall state the age, residence, present and previous, occupation of such applicant and the name of the city, town or village where the principal place of business is to be located and such further facts as will tend to show the good character, competency and integrity of such applicant. Such application shall be duly signed and verified by the applicant and shall be approved by not less than five reputable freeholders of the county where such applicant resides or where it is proposed to conduct such business, which approval shall be signed by such freeholders and acknowledged by them before an officer authorized to take acknowledgments of deeds. The state board of prison directors when satisfied, from examination of such application and such further inquiry and investigation as they shall deem proper, that the applicant is a person of good character, competency and integrity, shall issue and deliver to such applicant a license entitling the applicant to conduct such business for a period of five years next ensuing upon the applicant's paying to the state board of prison directors for the use of the state a license fee of ten dollars per annum and shall be payable in advance on September 1, 1915, and annually thereafter, and upon his executing, delivering, and filing in the office of the state board of prison directors a surety bond to be executed by such applicant with one or more sureties in the sum of two thousand dollars, conditioned for the faithful and honest conduct of such business by such applicant, which bond as to its form, execution and sufficiency of the surety must be approved by the said state board of prison directors. Such bond shall be taken in the name of the people of the State of California, and every person injured by the wilful or malicious or wrongful act of the principal may bring an action on said bond in his own name to recover damages suffered by reason of said wilful or malicious or wrongful act. The license granted pursuant to this act shall be revocable at any time by the state board of prison directors for cause shown.

SEC. 3. Nothing in this act shall apply to employees of such duly licensed private detective or detective agencies for whose good conduct in the business, however, the employers shall be responsible, or to any detective or officer belonging to the police force of the state, or any county, city and county, city, town or village thereof appointed or elected by due authority of law. Not applicable

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and for the enforcement of this act the state board of prison directors of the State of California are hereby authorized to expend annually any necessary moneys received as license fees in the employment of an agent or agents, and of other proper measures to aid in the detection or prosecution of all violations of this act. Penalty

SEC. 5. A license obtained from the said board of prison directors by any person or persons, firm, association, co-partnership or corporation mentioned in section one of this act, shall be sufficient to give the said person or persons, firm, association, co-partnership or corporation obtaining said license, their employees or operatives, the authority to act under said license as a detective or uniformed patrolman or watchman in any county, city and county, city or town in this state. Authority of license

SEC. 6. This act shall supersede and take the place of any rule, regulation or ordinance of any county, city and county, city or town in the State of California conflicting herewith. Acts superseded.

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CHAPTER 636.

*An act to repeal an act entitled "An act providing for the removal of human remains from cemeteries in any city, or city and county in this state, and repealing all acts in conflict therewith," approved April 24, 1911.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. An act entitled "An act providing for the removal of human remains from cemeteries in any city, or city and county in this state and repealing all acts in conflict therewith," approved April 24, 1911, is hereby repealed. Repealed.

## CHAPTER 637.

*An act to provide for the planting, protection, maintenance, removal and change of trees, shrubs, plants and grass along and in public streets, avenues, lanes, alleys, courts, places and pathways within municipalities, and providing a method for the assessment of the costs and expenses thereof.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Streets  
deemed open  
and city  
empowered  
to plant  
trees, etc

SECTION 1. All streets, avenues, lanes, alleys, courts, places and pathways within the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, avenues, lanes, alleys, courts, places and pathways for the purposes of this act, and the city council of each municipality of this state is hereby empowered to cause trees, shrubs, plants or grass to be planted, protected, maintained for a period of not exceeding five years, removed or changed, or to maintain existing trees, shrubs, plants and grass along and in said streets, avenues, lanes, alleys, courts, places and pathways, and is hereby invested with jurisdiction to order to be done thereon and therein any of the work mentioned in section two of this act in the manner and under the proceedings hereinafter described.

City may  
order trees,  
etc., planted

SEC. 2. Whenever the public interest or convenience may require, the city council of any municipality of this state is hereby authorized and empowered to order trees, shrubs, plants or grass to be planted, protected or maintained for a period of not exceeding five years, or removed or changed along and in the whole or any part of any such public street, avenue, lane, alley, court, place or pathway in such municipality; also to order suitable guards, coverings or gratings for the protection of said trees or shrubs, and to order any other work to be done which shall be necessary to plant, protect, maintain, remove or change, trees, shrubs, plants or grass along and in the whole or any part of any such public street, avenue, lane, alley, court, place or pathway, in such municipality.

Resolution  
of intention

SEC 3. Before ordering any improvement to be made which is authorized by section two of this act, the city council shall adopt a resolution of intention so to do, briefly describing the proposed improvement, which may include the whole or any part of one or more such streets, avenues, lanes, alleys, courts, places or pathways, in any such municipality. Said proposed improvement may include any or all of the different kinds of work mentioned in section two of this act; *provided, however,* that the care of said trees, shrubs, plants or grass, shall be for a period stated in the resolution of intention, which shall not exceed five years; *and provided, further,* that

it shall not be necessary to specify or describe in said resolution of intention the kind of trees, shrubs, plants or grass to be planted or removed or changed, their size or age or the method or manner of planting or removing or changing the same. The city council shall also, in the same resolution, refer the proposed improvement to the city engineer or other officer, board or commission designated by the said council, and direct said person, board or commission, to make and file with the clerk of the city council a report in writing presenting the following:

Report of  
city  
engineer.

1. Plans and specifications for the work to be performed and the general method and manner of making the improvement.

2. An estimate of the cost of said improvement including the incidental expenses in connection therewith, and the annual cost of the maintenance thereof for a period not exceeding five years.

3. A diagram of the property affected or benefited by the proposed work or improvement and to be assessed to pay the expenses thereof, including the annual maintenance, if any; such diagram shall show each separate lot, piece or subdivision of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district, each of which lots, pieces or subdivisions shall be given a separate number in red ink upon said diagram.

4. The proposed assessment of the total amount of the costs and expenses of the proposed improvement (including all incidental expenses) upon the lots, pieces or subdivisions of land within said assessment district as shown by said diagram, sufficient to cover the total expenses of the improvement. Each lot, piece or subdivision shall be separately assessed in proportion to the estimated benefits to be received by it. Said assessment shall refer to said lots, pieces or subdivisions of land upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any lot, piece or subdivision of land shall affect the validity of the assessment thereon.

SEC. 4. In any municipality having a board, commission or officer in charge of tree planting, created by its charter, or by law or ordinance, the proposed improvement shall be referred to said board, commission or officer, and the report provided for in section three of this act shall be made and filed by said board, commission or officer.

Tree  
planting  
commission

SEC. 5. Upon the filing of the report provided for in section three of this act, the clerk of the city council shall present the same to the city council for consideration, and said council may modify the same in any respect, and, in case of any such modification, the report as modified shall stand as the report for the purpose of all subsequent proceedings.

Consideration  
of  
engineer's  
report

Thereafter, the council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing, and shall designate the newspaper in which such notice shall be published.

Notices  
posted.

SEC. 6. After the passage of the resolution mentioned in section five of this act, the superintendent of streets of said city shall cause to be conspicuously posted along all streets, avenues, lanes, alleys, courts, places and pathways, or parts thereof, included in said resolution of intention at not more than three hundred feet in distance apart, but not less than three in all upon each such street, avenue, lane, alley, court, place and pathway, notices of the passage of said resolution of intention and of the filing of said report. Said notices shall be headed "Notice of parkway improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said resolution of intention and of the filing of said report, and the day and hour set for the hearing of said protests, and briefly describe the improvement proposed and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published for a period of two days in a daily newspaper published and circulated in said municipality and designated by said city council for that purpose, or if there is no daily newspaper in said municipality, then by one insertion in a weekly paper, so published, circulated and designated. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests. In case there is no daily or weekly newspaper published and circulated in said city, then said notice shall be posted in three of the most public places in such city at least ten days before the dates set for the hearing of said protest.

Written  
protest

SEC. 7. Any person, interested, objecting to said improvement, or to the proposed assessment provided for in section three hereof, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section five hereof. The clerk shall indorse on every such protest the date of its reception by him, and at the time appointed for said hearing shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said resolution of intention shall be barred and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district

Majority  
protest

shall in the meantime petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned, but may be renewed at any time, and if such protests are denied, the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm or correct said proposed assessment; *provided, however,* that they shall not alter the same so as to provide for the doing of any kind of work not included in said report, or the doing of work upon any street, avenue, lane, alley, court, place or pathway, or portion thereof not included in said report and shall not increase the amount to be raised above the amount specified in said report. When, upon the hearing, said proposed assessment is confirmed or corrected, or in case no protests have been filed and the report provided for in section three hereof has been adopted as a whole with any modifications or corrections that have been made therein, the city council shall by resolution declare its action upon said report, order said proposed improvement to be made and levy said assessment upon the lots, parts of lots and subdivisions of land fronting upon the streets, avenues, lanes, alleys, courts, places and pathways, or parts thereof, along and in which said improvement is to be made. Said resolution shall be final and conclusive upon all persons.

Sec. 8. The validity of an assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such action or proceeding must be perfected within thirty days after the entry of such judgment.

Validity of assessments.

Sec. 9. Upon the passage of the resolution provided for in section seven hereof, the clerk of said city council shall transmit to the tax collector of the municipality, the diagram and assessment provided for in subdivisions three and four of section three hereof, and any modifications or corrections thereof made by the city council. Thereupon the tax collector shall annually enter said assessments upon the assessment roll upon which other taxes of said city are entered, and the same shall be annually collected in the same manner as such other taxes are collected. Such entry and collection to be made at the same time and by the same officers as in the case of other city taxes.

Diagram to tax collector

Sec. 10. All sums collected on account of such assessment shall be placed in the city treasury to the credit of a special

Special fund

fund, which shall be designated by the name of the proposed improvement. The city council shall cause to be paid or transferred to such special fund from any other available funds in the city treasury as soon as needed, such part of the cost of such proposed work as has theretofore been ordered to be paid out of the city treasury. Said special fund shall be used only for paying the costs and expenses of the work described in the resolution ordering the work to be done, including the cost of all posting and publication herein provided for, and any other incidental expenses of the work. If the amount raised is insufficient to pay the whole of such costs and expenses, the city council may provide for such deficiency by an appropriation out of the general fund of such city, or may take further proceedings to raise the amount of such deficiency by ordering a supplementary assessment to be made upon the same property in the same manner and form and subject to the same procedure as the original assessment, but on such proceedings no report shall be necessary from the person or board making the original report specified in section three hereof, except an estimate of the deficiency, and no protest shall be received except as to the amount of money necessary to complete the work. The city council may at any time advance to such special fund out of any available funds in the city treasury, sums in excess of the amount to be paid by the city towards the cost of such work and may reimburse the city for such advances by repaying the same out of any money that may thereafter come into such special fund.

Provision for  
deficiency

City to do  
work

SEC. 11. At any time after the funds for the work or any part of the work, shall be in the city treasury, or if the municipality has advanced the money from the general fund as a loan to said special fund, the municipality shall itself without awarding a contract therefor, execute and perform the work embraced in the plans and specifications contained in the report provided for in sections three and four of this act, in accordance with said plans and specifications, and employ the labor, and provide the nursery stock, material and supplies necessary therefor, or at its option do the work or any portion thereof by contract let in the manner provided by the charter of said municipality or the law under which the said municipality is organized. The work must be done under the supervision, direction and control of the board, commission or officer by whom the report provided for in section three of this act was made, and no work shall be paid for except upon the order and approval of said board, commission or officer.

Assessment  
lien on  
property

SEC. 12. Every assessment levied under this act shall from the date of the levy thereof be a lien upon the land upon which it is levied in the same manner and to the same effect as other city taxes are a lien upon said land. And such lien shall continue and be enforced in the same manner as other taxes of said city are continued and enforced.

SEC. 13. The following words and phrases shall, where Definitions used in this act, have the following meanings:

(1) The terms "municipality" and "city" include all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

(2) The terms "council" and "city council" include any body or board in which by law is vested the legislative power of any city.

(3) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payments of the city funds.

(4) The term "city engineer" includes any person or officer who has charge of the surveying and engineering work of said city.

(5) The terms "clerk" and "city clerk" include any person or officer who shall be clerk of the said council.

(6) The term "improvement" includes all work and improvements mentioned in section two of this act.

(7) The term "incidental expenses" shall include the cost and expense of making the report mentioned in sections three and four hereof, including fees for surveying and engineering work; also the cost of printing and publishing as provided herein; also the expenses of making the assessment for any work authorized by this act.

(8) The term "owner" and "any person interested" includes the person owning the fee, or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

(9) Any act required herein to be performed by resolution may be performed by ordinance with the same force and effect.

SEC. 14. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided*, that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting. Proof of publication

Act not  
affected

SEC. 15. This act shall in no wise affect an act entitled "An act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893, or any act amendatory thereof or supplementary thereto, or any other acts on the same subject, or apply to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its resolution of intention to order the work done.

Title of act.

SEC. 16. The provisions of this act shall be liberally construed to promote the objects thereof, and no publication or notice other than that provided for in this act shall be necessary to give validity to any proceedings had thereunder. This act may be designated and referred to as the "tree planting act of 1915."

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## CHAPTER 638.

*An act to amend section twenty-one hundred ninety-two of the Political Code, relating to the commitment of incompetents other than insane persons.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section twenty-one hundred ninety-two of the Political Code is hereby amended to read as follows:

Petition to  
commit  
imbecile,  
etc., to  
home

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; *provided*, that any peace officer may petition said court for an order admitting such a person to such hospital. The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order

that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay his expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of ten dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

Financial condition of parent.

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CHAPTER 639.

*An act to amend sections three, five, six and twelve of an act known as the "net container act," approved May 24, 1913.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Sections three, five, six and twelve, of the act of the legislature of the State of California designated "the net container act," designed to protect purchasers of any commodity within its provisions against deception as to the quantity or amount of the commodity purchased, and providing for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings when sold or offered for sale, or exposed for sale, in containers, and providing penalties for the violation thereof, approved May 24, 1913, is hereby amended to read as follows:

Sec. 3. The provisions of this act apply to foodstuffs and stuffs intended to be used or prepared for use as food or medicine for human beings and shall apply to any commodity intended to be so used or consumed by human beings.

Act applicable to foodstuffs

Designation  
of quantity.

Sec. 5. The designation of the quantity of the commodity required by section 4 of this act shall be in terms of weight, measure or numerical count, subject however to the following provisions:

(a) The quantity of the contents so marked shall be the amount of food or stuff in the package.

(b) If the designation is by weight it shall be in terms of avoirdupois pounds and ounces; if designation is by liquid measure, it shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, *i. e.*, in gallons, quarts, pints, or fluid ounces; if designation is by dry measure, it shall be in terms of the United States standard bushel, and its customary subdivisions, *i. e.*, in bushels, half bushels, pecks, quarts, pints or half pints; *provided*, that, by like method, such designations may be in terms of the metric system of weight or measure.

(c) The quantity of solids shall be designated in terms of weight, and of liquids, in terms of measure, except in case of an article in respect to which there exists a definite trade custom, otherwise, the designation may be in terms of weight and measure in accordance with such custom.

(d) The quantity of the contents shall be designated in terms of weight or measure, unless the container be marked by numerical count and such numerical count gives accurate information as to the quantity of the food in the package. When designation is by numerical count it shall be in English words or Arabic numerals.

(e) The quantity of the contents may be stated in terms of minimum weight, minimum measure or minimum count, but in such cases the designation must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(f) The quantity of viscous or semi-solid foods, or of a mixture of solids and liquids, may be stated in terms of weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure.

Sec. 6 The provisions of this act shall not apply—

Wherein not  
applicable

(a) To any sale of a commodity within the provisions of this act when such sale is made from bulk and the quantity is weighed, measured or counted for the immediate purpose of such sale.

(b) To a sale of any container of an ornamental or symbolic character with which a quantity of some commodity is sold as merely incidental.

(c) To a sale of a commodity in any container of a net weight of 2 ounces or less, or of a commodity in any container of a measure of 2 fluid ounces or less, or of a commodity in any container of a numerical count of six or less.

(d) To the sale of medicine, when prescribed by a licensed physician, veterinarian, or dentist; or to medicinal or pharmaceutical preparations or mixtures of two or more medicinal substances.

Sec. 12. All acts and parts of acts inconsistent with or in conflict with any of the provisions of this act are hereby repealed.

(a) It shall not be held to be a violation of the provisions of this act to sell or offer for sale any commodity contained in a container which complies with the provisions and requirements of any act of congress or the opinions and regulations as issued by the secretary of agriculture and appertaining to net weight or measure. Not violation.

(b) The enactment of the provisions of this act shall be under the supervision of the state superintendent of weights and measures. Enforcement

CHAPTER 640.

*An act to amend sections four hundred fifty-three t and four hundred fifty-three y of the Civil Code, relating to title insurance companies.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred fifty-three t of the Civil Code is hereby amended to read as follows:

453t. Every title insurance company, before issuing any guarantee or policy of insurance, shall deposit with the state treasurer, as herein provided, as a "guarantee fund" for the security and protection of the holders of, or beneficiaries under, such guarantees or policies of insurance, one hundred thousand dollars. Any such deposit may be made either in lawful money of the United States or in any of the securities specified in subdivisions one, two, three, four and five of section four hundred twenty-one of this code. Said money or securities shall be first approved by the insurance commissioner, and upon his written order, deposited with the state treasurer for the purpose herein specified, and said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this chapter, shall hold such deposits of money or securities for the security and protection of the holders of, or beneficiaries under, any guarantee or policy of insurance issued by such company, and the state shall be responsible for the custody and safe return of any money or securities so deposited. Said securities or money so deposited may, with the approval of the insurance commissioner, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid. So long as the company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the state treasurer to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds thereof by said state treasurer only on the order of a court of competent jurisdiction and for the security and protection of the holders Title insurance company "guarantee fund." Interest and dividends

Mortgages

of such guarantees and policies of insurance. When any part of the securities so deposited with the state treasurer consists of notes or bonds secured by mortgage or deed of trust, or in loans upon real property secured by mortgage or deed of trust, such mortgages or deeds of trust shall be accompanied by evidence of title issued by a person, company, or corporation designated or approved by the insurance commissioner and authorized by law or otherwise found by the insurance commissioner to be competent to issue such evidence of title. Such evidence of title shall consist either of a full abstract of title, a full certificate of title, or a guarantee or policy of title insurance, and such evidence of title shall be examined and approved by or under the direction of the insurance commissioner. The value of the property covered by each such mortgage or deed of trust shall be appraised by one or more appraisers selected or approved by the insurance commissioner. The appraisers shall be residents of the county in which the property or some part thereof is situated. The reasonable cost of examining such evidence of title and of making such appraisal, shall be paid by the title insurance company making such deposit, and shall not exceed twenty dollars for examining the title to the property covered by each mortgage or deed of trust, nor five dollars for each appraiser, not exceeding two, besides the necessary expenses of such appraisers; *provided*, that as to any part of the securities so deposited with the state treasurer which consists of notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or of mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter VIII of title II of part IV of division first of the Civil Code, such evidence of title need not be required. Any such corporation organized under the laws of this state and having a capital stock paid in, in cash, of more than one hundred thousand dollars, after depositing said guarantee fund as above provided, may invest an amount not exceeding fifty per cent of its subscribed capital stock in the preparation and purchase of materials or plant necessary to enable it to engage in such title insurance business; and such materials or plant shall be deemed an asset, valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporation, or at such lesser value as may be estimated by such corporation in any such statement or proceeding, or omitted entirely therefrom.

Plant investment

SEC 2 Section four hundred fifty-three *y* of the Civil Code is hereby amended to read as follows:

Insurance commissioner's certificate necessary before issuing policy

453*y* No corporation shall make any contract or issue any policy of guarantee or insurance affecting titles to real estate, or engage in the business of a title insurance company, until it has obtained from the insurance commissioner his certificate that such company has complied with the provisions of this chapter and is duly authorized to do business as such title insurance company.

CHAPTER 641.

*An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthful materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. (1) The term "mattress," as used in this act, shall be construed to mean any quilted pad, comforter, mattress, mattress pad, bunk quilt, or cushion, stuffed or filled with wool, hair, or other soft material to be used on a couch or other bed for sleeping or reclining purposes

Definitions  
"Mattress"

(2) The term "person," as used in this act, shall be construed to include all individuals and all firms or copartnerships

"Person"

(3) The term "corporation," as used in this act, shall be construed to include all corporations, companies, associations, and joint stock associations or companies

"Corporation"

(4) Whenever the singular is used in this act it shall be construed to include the plural; whenever the masculine is used in this act it shall include the feminine and neuter genders.

SEC. 2. (1) No person or corporation, by himself or by his agents, servants or employees, shall employ or use in the making, remaking or renovating of any mattress, any material of any kind that has been used in or has formed a part of, any mattress used in or about any public or private hospital, or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease, any material known as "shoddy," and made in whole or in part from old or worn clothing, carpets or other fabric, or material previously used, or any other fabric or material from which shoddy is constructed; any material, not otherwise prohibited by this act, of which prior use has been made; unless any and all of said material have been thoroughly sterilized, and disinfected by a reasonable process, approved by the board of health of the city or town where said mattress is made, remade, or renovated.

Material used in mattresses

(2) No person or corporation by himself or by his agents, servants or employees, shall sell, offer to sell, deliver or consign, or have in his possession with intent to sell, deliver or consign any mattress made, remade or renovated in violation of subsection one of this section.

Selling certain mattresses prohibited

SEC. 3. No person or corporation, by himself or his agents, servants or employees, shall, directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver or consign, or

Mattresses must be labeled

have in his possession with intent to sell, deliver, or consign, any mattress that shall not have plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag not smaller than three inches square securely sewed to the covering thereof, a statement in the English language setting forth the kind or kinds of materials used in filling the said mattress, and whether the same are in whole or in part, new or old, or secondhand, or shoddy, and the name and address of the manufacturer or vendor thereof, or both.

"Felt"      SEC. 4. Whenever the word "felt" as applied to cotton is used in the said statement concerning any mattress it shall be designated in said statement whether said felt is "felted cotton" or "felted linters."

"Floss"      SEC. 5. It shall be unlawful to use in the said statement concerning any mattress the word "floss" or words of like import, if there has been used in filling said mattress any materials which are not termed as "kapok."

"Hair"      SEC. 6. It shall be unlawful to use in said statement concerning any mattress the word "hair" unless said mattress is entirely manufactured of animals' hair.

SEC. 7. It shall be unlawful to use in the description in the said statement any misleading term or designation, or term or designation likely to mislead.

Percentage of materials used.      SEC. 8. Any mattress made from more than one new material, shall have stamped upon the tag attached thereto the percentage of each material so used.

"Secondhand material"      SEC. 9. Any mattress made from any material of which prior use has been made shall have stamped or printed upon the tag attached thereto in type not smaller than twenty-point the words "secondhand material."

"Shoddy material"      SEC. 10. Any mattress made from material known as "shoddy" shall have stamped or printed upon the tag attached thereto in type not smaller than twenty-point the words "shoddy material."

Form of label.      SEC. 11. The statement required under section three of this act, shall be the following form :

MATERIALS USED IN FILLING.

-----  
 -----  
 -----  
 Vendor -----  
 Address -----

This article is made in compliance with the act of the State of California, approved the ----- day of -----.

Removing label prohibited      SEC. 12. Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any mark or statement placed upon any mattress under the provisions of this act shall be guilty of a violation of this act.

SEC. 13. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions hereof. Unit for separate offense

SEC. 14. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars, and not to exceed one hundred dollars, for each offense, or by imprisonment for not less than three months and not exceeding six months or by both such fine and imprisonment. Penalty.

SEC. 15. Any individual who has reason to believe that this act has been or is being violated may institute proceedings to enforce this act and to punish violations of its provisions. Institution of proceedings

SEC. 16. All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 642.

*An act to add a new section to the Political Code of the State of California to be numbered six hundred two b, to provide a uniform system of classification of risks, premium rates and schedule ratings for the state compensation insurance fund and all other insurance carriers in this state insuring employers or employees under the workmen's compensation, insurance and safety act, chapter 176, laws of 1913; to establish adequate rates for such insurance; to permit the limited issuance of compensation participating policies; requiring the industrial accident commission to furnish certain information for the use of the state insurance commissioner; requiring every insurance carrier writing such insurance to file an annual report of its loss experience, and empowering the state insurance commissioner to supervise, control and enforce the provisions of this act, and fixing penalties for the violation thereof.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered six hundred two b to read as follows:

602b. On or before September 1, 1915, the state compensation insurance fund and every corporation, mutual company, association, inter-insurance exchange or other insurance carrier licensed to transact business in this state, which insures employers or employees under the workmen's compensation, insurance and safety act, chapter 176, laws of 1913, shall file with the state insurance commissioner its classification of risks and premium rates relating thereto with its system of schedule rating (or merit rating, so-called) if any. The state insurance commissioner shall then hold a hearing Classification of risks and premium rates to be filed

to determine upon a uniform classification of risks and premium rates relating thereto and, in his discretion, a uniform system of schedule rating (or merit rating, so-called).

Insurance  
commiss-  
sioner to  
issue  
uniform  
classification

On or before October 1, 1915, the state insurance commissioner shall approve or issue, as adequate for all insurance carriers authorized by law or licensed to transact compensation insurance business in this state, a uniform classification of risks and premium rates relating thereto, and may, in his discretion, approve or issue a system of schedule rating (or merit rating, so-called), which shall be a uniform system of schedule rating (or merit rating, so-called) for all insurance carriers. Such premium rates or system of schedule rating (or merit rating, so-called) shall take no account of any physical impairment of employees or the extent to which employees may have persons dependent upon them for support.

Uniform  
system of  
schedule  
rating

The state insurance commissioner may subsequently approve or issue a uniform system of schedule rating (or merit rating, so-called) for all insurance carriers, or may modify or change any such system previously approved or issued after holding a hearing to determine its effect upon the adequacy or inadequacy of rates, and may approve or issue additional uniform rates and classifications or uniform changes in rates and classifications after holding hearings to determine upon the adequacy or inadequacy of such additions or changes.

Insurance  
not to be  
carried at  
less than  
state rate

On or after October 1, 1915, no insurance carrier may issue, renew or carry beyond anniversary date insurance for employers or employees under the workmen's compensation, insurance and safety act at premium rates which are less than the rates previously approved or issued by the state insurance commissioner for all insurance carriers as adequate for the risks to which they respectively apply; *provided, however*, if the state insurance commissioner shall have previously approved or issued a uniform system of schedule rating (or merit rating, so-called), insurance carriers may apply the same to any risks subject thereto, but basis rates no less than the rates previously approved or issued by the state insurance commissioner and any reductions therefrom on account of the application of such system of schedule rating (or merit rating, so-called) shall be clearly set forth in the insurance contracts or endorsements attached thereto.

Compensa-  
tion  
participating  
policies

Nothing in this section shall affect the right of any insurance carrier to issue compensation participating policies; *provided, however*, that no refund by reason of such participating provision may be made to policy-holders by any insurance carrier except from surplus accumulated from premiums on compensation insurance policies insuring employers or employees under the workmen's compensation, insurance and safety act of this state.

Statistical  
and  
actuarial  
data.

The statistical and actuarial data compiled by the industrial accident commission and the state compensation insurance fund shall at all times be available to the state insurance commissioner for his use in judging the adequacy or inadequacy of rates and schedules filed, and it shall be the duty

of the manager of the state compensation insurance fund, or other officers of the state compensation insurance fund who may be designated for such duty by the industrial accident commission, to render all possible assistance to the state insurance commissioner in carrying out the provisions of this section.

The state insurance commissioner may require every insurance carrier, which insures employers or employees under the workmen's compensation, insurance and safety act, to file with its annual statement a sworn report of its loss experience in such detail and form as may be prescribed by the state insurance commissioner. Report of losses

The state insurance commissioner shall have power, after hearing, to suspend or revoke the certificate of authority of any insurance carrier to write liability insurance for violating any of the provisions hereof, and any insurance broker, or agent, or employee of any insurance carrier, who violates any provision of this section shall be guilty of a misdemeanor. Power to revoke certificate

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CHAPTER 643.

*An act to add to the Civil Code a new section to be numbered three hundred two a, providing for the sending of a financial statement to the stockholders of every corporation prior to the annual meeting.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered three hundred two a and to read as follows:

302a Upon the written request of not less than ten per cent of the stockholders, presented not less than two weeks prior to the time of the election provided for by section three hundred two of this code, there must be served upon each stockholder, at least one week prior to such election, one copy of a financial statement of the affairs of the corporation, which must show the authorized capital stock of the corporation, the amount of capital stock subscribed, the amount of capital actually paid in, the assets and the surplus and undivided profits of the corporation, the amount paid to employees, the names and addresses of all the officers and directors of the corporation, the amount of mortgages, bonded or other indebtedness of the corporation and the amount of the last annual, semi-annual or quarterly dividend, and a general summary of the business transacted by the corporation since the last preceding annual meeting. The financial statement herein referred to shall be signed by the president and secretary of the corporation and shall be sworn to by such officers before some officer authorized by law to administer oaths, and must Financial statement to stockholders upon request of 10 per cent

be personally served upon each stockholder or, in lieu of personal service, must be sent by mail addressed to each stockholder at his place of residence if known, or if not known, at the place where the principal office of the corporation is situated. The president or secretary of any corporation who with intent to deceive shall sign a false financial statement shall be deemed guilty of a misdemeanor.

## CHAPTER 644.

*An act to prohibit insurance companies, associations, or societies and their agents from misrepresenting the terms of any policy of insurance.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Misrepresent-  
ing terms  
of policy  
prohibited

SECTION 1. No insurance company, association, or society, or any officer, director, agent, broker or solicitor thereof shall issue, circulate or use or cause or permit to be issued, circulated or used, any statement, estimate, illustration, or circular misrepresenting the terms of any policy issued or to be issued by such company or the benefits or privileges promised under any such policy, or the future dividends, payable under any such policy. No insurance company, association, or society, officer, director, agent, solicitor or broker, or any person, firm, association or corporation shall make any misrepresentation, oral, written or otherwise, to any person for the purpose of inducing or tending to induce such person to take out a policy of insurance, or for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit or surrender his insurance therein, or to refuse to accept a policy issued upon an application therefor, and to take out a policy of insurance in any other company.

No excuse  
from  
testifying

SEC. 2. No person shall be excused from testifying or from producing any books, papers, contracts, agreements or documents at the trial or hearing of any person or company, association or society charged with violating any provisions of section one of this act on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Penalty.

SEC. 3. Any insurance company, association, or society, agent, solicitor or broker, or any person, firm, association, or corporation, violating the provisions of this act shall upon conviction be sentenced to pay a fine of not more than one hundred dollars for each and every violation, or in the discretion of the court, to an imprisonment for a period of not more than six months. The insurance commissioner shall have

authority, in his discretion, to revoke or suspend a license theretofore issued to any agent, solicitor or broker, for a period not exceeding three years, on its being proven to him after a hearing that such agent, solicitor or broker, has knowingly or wilfully violated any of the provisions of this act.

CHAPTER 645.

*An act to amend section one of an act approved May 1, 1911, entitled "An act for the regulation and control of fraternal benefit societies."*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, is hereby amended to read as follows:

Section 1. Any corporation, society, order, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with section five hereof, and any mutual life association whose membership is limited to a secret fraternity, profession or guild, and which elects its officers and directors by direct vote of its members, either in person or by proxy, is hereby declared to be a fraternal benefit society

Fraternal benefit society defined

CHAPTER 646.

*An act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this state, the question whether such city and county, or incorporated city or town, shall retain powers of control vested therein respecting all or any public utilities, and to provide for elections thereafter to surrender such powers of control in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers of control*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Any city and county, or incorporated city or town, may retain or surrender to the railroad commission of the State of California the powers of control vested therein to supervise and regulate the relationship between any one

Cities may retain power to regulate public utilities.

Health  
matters not  
surrendered

or more classes of public utilities, and their present or prospective customers, consumers or patrons, and, if it has retained such powers over any class or classes of public utilities, may thereafter surrender such powers to the railroad commission of the State of California, hereinafter called the railroad commission, all as in this act provided, but this act shall not be construed to authorize any city and county, or incorporated city or town, to surrender to the railroad commission, its powers of control to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains or conduits of any public utility, on, under or above any public streets, and the speed of common carriers operating within the limits of the municipality.

Definitions

SEC. 2 (a) The term "municipal corporation," as used in this act, shall be construed to mean a city and county, or incorporated city or town. The term "legislative body," as used in this act, shall be construed to mean the board of supervisors, municipal council, commission or other legislative or governing body of a municipal corporation.

(b) The term "powers of control," as used in this act, and as used on any ballot prepared and used under the provisions of this act, with reference to public utilities, or to any class or classes of public utilities in any municipality or municipalities, means all powers of control vested in such municipality or municipalities to supervise and regulate the relationship between such public utilities, or such class or classes of public utilities, and their present or prospective customers, consumers or patrons, but said term shall not be construed to include the powers of control vested in any municipality or municipalities to supervise and regulate the relationship between such public utilities, or such class or classes of public utilities, and the general public in matters affecting the health, convenience and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains or conduits of any public utility, on, under or above any public streets, and the speed of common carriers operating within the limits of the municipality.

SEC. 3. The terms "railroad corporation," "street railroad corporation," "common carrier," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," "wharfinger," "warehouseman," and "public utility," as used in this act, shall severally have the same meaning as is given to them, respectively, in section 2 of the act known as the "public utilities act."

Question may  
be submitted  
to electors

SEC. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of

such municipal corporation, as provided in this act, either at a general municipal election or at a special election held therein. Such a question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three-fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit such question to a vote of the qualified electors of such municipal corporation, or in pursuance of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in section 6 of this act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for governor at the last preceding general election prior to the filing of such petition at which a governor was elected. Such petition may consist of separate papers; *provided*, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need not all be appended to one sheet of paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is a genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining such petition and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If from such examination, said clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if, from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient. If, by the certificate of said clerk, the petition is shown to be insufficient, it may be amended by filing a supplemental

Examination  
of petition

petition within ten days from the date of such certificate. Said clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In any city and county having a board of election commissioners and a registrar of voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such board of election commissioners, who shall forthwith deliver such petition to said registrar of voters, who shall perform all the duties herein required to be performed in other municipal corporations by the clerk of the legislative body thereof, respecting the examination and certification of such petition. Such registrar of voters shall, upon making his certificate, forthwith return said petition to said clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

Special  
election

SEC. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, as provided in section four of this act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in section four of this act, or the presentation of such petition to said legislative body; *provided*, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such

municipal corporation. Every special election held in any municipal corporation under the provisions of this act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election and the date thereof, and, where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; *provided*, that if no such daily or weekly newspaper be printed and published in such municipal corporation, the clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election.

Publication  
of ordinance

SEC. 6. The ballots to be used at any general municipal election or at any special election, at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, such of the following propositions as are specified in the ordinance of intention or the petition:

Ballots

“Proposition No. 1. Shall ----- (name of municipal corporation) retain its powers of control over railroad corporations?”

“Proposition No. 2. Shall ----- (name of municipal corporation) retain its powers of control over street railroad corporations?”

“Proposition No. 3. Shall ----- (name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?”

“Proposition No. 4. Shall ----- (name of municipal corporation) retain its powers of control over gas corporations?”

“Proposition No. 5. Shall ----- (name of municipal corporation) retain its powers of control over electrical corporations?”

“Proposition No. 6. Shall ----- (name of municipal corporation) retain its powers of control over telephone corporations?”

“Proposition No. 7. Shall ----- (name of municipal corporation) retain its powers of control over telegraph corporations?”

“Proposition No. 8. Shall ----- (name of municipal corporation) retain its powers of control over water corporations?”

“Proposition No. 9. Shall ----- (name of municipal corporation) retain its powers of control over wharfingers?”

“Proposition No. 10. Shall ----- (name of municipal corporation) retain its powers of control over warehousemen?”

Opposite each such proposition to be voted upon, and to the right thereof, the words "yes" and "no" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "no" opposite such proposition.

Canvass of  
returns

SEC. 7. If the propositions specified in section six of this act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass, or upon the completion of the canvass of the returns of any general municipal election at which such propositions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in section five of this act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such power of control shall thereafter vest in and be exercised by the railroad commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the registrar of voters of any municipal corporation having a board of election commissioners and a registrar of voters, shall make copies, in duplicate, of such order, and shall attach to each such copy his

certificate under the seal, if any, of such municipal corporation, or of such board of election commissioners, certifying that the same is a true and correct copy of such order. Said clerk or registrar of voters, as the case may be, shall forthwith file one of said copies in the office of the railroad commission of the State of California and the other in the office of the secretary of state. Immediately upon the filing of such certified copy of such order in the office of the railroad commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereon shall have voted not to retain, as shown by such order, shall thereupon vest in and be exercised by the railroad commission.

When control vests in railroad commission

SEC. 8. Any municipal corporation which shall have retained the powers of control vested therein respecting any class or classes of public utilities may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election, or at a special election therein called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each class of public utilities as to which such municipal corporation may retain its powers of control and as to which it may be desired to vote. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballot to be used at such election in substantially the following form: "Shall ----- (name of municipal corporation) surrender its powers of control over ----- (here insert class of public utility) to the railroad commission?" Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall stamp a cross (X) in the voting square opposite the printed word "Yes." after the proposition as to such class; and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (X) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of sections four, five and seven of this act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election declared as provided in section seven of this act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall

City retaining powers may later surrender them

be deemed to have surrendered its powers of control as to such class of public utility to the railroad commission, and such powers shall thereafter vest in and be exercised by the railroad commission, as provided by law, upon the filing, in the office of the railroad commission, of a certified copy of the order declaring the result of such election; and if it shall appear from the result of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; *provided, however*, that such powers of control may thereafter be surrendered by such municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this act.

One special election in 12 months.

SEC. 9. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this act, shall not be construed to preclude the holding of a subsequent special election or elections or the subsequent submission of propositions at a general municipal election or elections, on the question of the retention or surrender by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this act provided; *provided*, that not more than one such special election shall be held within any period of twelve months.

Laws which govern elections.

SEC. 10. Except as otherwise in this act provided, the holding and conducting of elections under the provisions of this act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporation affected.

Repealed

SEC. 11. Chapter forty of the laws of the extraordinary session of December, 1911, is hereby repealed.

## CHAPTER 647.

*An act to amend section two hundred of the Code of Civil Procedure, relating to exemptions from liability to act as a juror.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred of the Code of Civil Procedure is hereby amended to read as follows:

Persons exempt from jury duty

200. A person is exempt from liability to act as a juror if he be:

1. A judicial, civil, or military officer of the United States, or of this state;

2. A person holding a county, city and county, city, town or township office;

3. An attorney at law, or the clerk, secretary or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or druggist, actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, asylum, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employe, or operator of a telegraph or telephone company doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the national guard of California, or an active member of a paid fire department of any city and county, city, town, or village in this state, or an exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided; *provided, however*, that in counties having less than five thousand population the exemption provided by this subdivision shall not apply.

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CHAPTER 648.

*An act to amend section four hundred eighty-five of the Civil Code of the State of California, relating to damages in certain cases.*

[Approved June 7, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred eighty-five of the Civil Code of the State of California is hereby amended so as to read as follows:

485. Railroad corporations must make and maintain a good and sufficient fence on both sides of their track and property. In case they do not make and maintain such fence, if their engine or cars shall kill or maim any cattle or other domestic animals upon their line of road, except where

Maintenance  
of fences  
along  
railroads  
damages for  
killing stock

the same runs through or upon public land they must pay to the owner of such cattle or other domestic animals a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed. Railroad corporations paying to the owner of the land through or along which their road is located an agreed price for making and maintaining such fence, or paying the cost of such fence with the award of damages allowed for the right of way for such railroad, are relieved and exonerated from all claims for damages arising out of the killing or maiming any animals of persons who thus fail to construct and maintain such fence; and the owners of such animals are responsible for any damages or loss which may accrue to such corporation from such animals being upon their railroad track, resulting from the non-construction of such fence, unless it is shown that such loss or damage occurred through the negligence or fault of the corporation, its officers, agents, or employees.

#### CHAPTER 649.

*An act to amend section two of an act entitled "An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems," approved June 13, 1913.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems," approved June 13, 1913, is hereby amended to read as follows:

Sec. 2. Whenever any person, firm, corporation, public utility, municipality or other public body, institution, or corporation shall desire to furnish or supply or continue to furnish or supply water for domestic uses or purposes to any person in any county, city and county, municipal corporation, village, district, community, hotel, temporary or permanent resort, institution or industrial camp, it or he shall file as herein provided with the state board of health a petition for permission so to do, together with a statement containing a general description and history of the existing or proposed water supply system or distribution showing the geographical location thereof with relation to the source of the water supply and all the sanitary and health conditions surrounding and affecting said supply and the works, system, plant and distributing system, such general statement to be in such form and to cover such matters as the state board shall prescribe. Thereupon a thorough investigation of the proposed or existing works, system, plant, water supply and all other circumstances

Persons  
desiring to  
furnish  
water to  
file petition

Investigation  
of works

and conditions by it deemed to be material must be made under the direction of the state board of health; *and provided, fur-* Exemptions  
*ther,* that no person, firm or corporation supplying water for domestic purposes or use on his or its private property upon which there is no industrial camp, hotel, temporary or permanent resort using said water, or supplying less than two hundred service connections, shall be required to apply for a permit under the provisions of this section, except upon formal complaint filed with the state board of health by a person receiving such water or by some duly authorized public officer.

As a part of such investigation, and after ten days' notice Hearing  
 by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by the person conducting the hearing, and evidence, oral and documentary, may be received, a record of which shall be made and filed with said board. All of the expenses of such investigation, including hearings, excepting the compensation of state officers participating therein, shall be borne, and paid as they accrue, by the petitioner. Upon the completion of such investigation, said board:

(a) If it shall determine, as a fact, that the water being When  
petition  
shall be  
denied  
 furnished or to be furnished or supplied is such that under all the circumstances and conditions it is or may constitute a menace or danger to the health or lives of human beings, or that under all the circumstances and conditions the existing or proposed works, system, plant or water supply is unhealthful or unsanitary, it shall deny the prayer of such petitioner; *provided, however,* that in case such petition shall be for permission to continue to furnish or supply water from a water Temporary  
permit  
 system permanently constructed, established and operating prior to the passage of this act, said board may grant the petitioner a temporary and revocable permit, authorizing the continuance of the water supply, under such restrictions and conditions as in said permit may be specified to enable the petitioner to appoint an expert or commission to investigate and report on the best method of water supply, and to construct and put into operation a new or altered system, plant, water supply or distributing system, or to so alter, add to, repair, or modify the operation of the existing water supply, plant, works or system that the water furnished or supplied shall not endanger the lives or health of human beings.

(b) If it shall determine, as a fact, that the water being When  
petition  
shall be  
granted  
 furnished or supplied to such human beings is such, that under all the circumstances and conditions, it does not endanger the lives or health of human beings it shall grant to petitioner a permit authorizing petitioner to furnish or continue to furnish or supply such water to such human beings; *provided, however,* Permit  
revocable  
 that all permits issued hereunder shall be revocable or subject to suspension by said board at any time that it shall determine, as a fact, that the water being supplied or furnished or intended to be supplied or furnished does or will endanger the lives or

health of human beings. The state board of health and its inspectors shall at any and all reasonable times have full power and authority to, and shall be permitted to, enter into and upon any and all places, property, inclosures and structures for the purpose of making and therein or thereon to make examinations and investigations to determine whether any provision of this act is being violated. The holder of any permit granted by said board under the provisions of this act may at any time by order of said board be required to furnish to said board, upon demand, a complete report upon the condition and operation of the water supply, plant, works or system owned, operated or controlled by it, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit. Any person, firm, corporation, public utility, municipality or other public body, institution or corporation who shall furnish or supply or continue to furnish or supply water used or intended to be used for human consumption or for domestic purposes without having an unrevoked permit from the state board of health so to do, as in this act provided, may be enjoined from so doing by any court of competent jurisdiction, at the suit of any person or persons, firm, corporation, municipal or other public corporation whose supply of water for human consumption or for domestic purposes is taken, or received, from, or supplied or furnished by any such water furnishing or distributing person, firm, corporation, public utility or municipality or other public body, institution or corporation, or it or he may be enjoined at the suit of the state board of health in the same manner; *provided, further*, that any such person, firm, corporation, public utility, municipality or other body, institution or corporation subject to the provisions of this act may file such petition at any time prior to January 1, 1914, unless sooner required so to do by order of said state board of health. Anything done, maintained or suffered in violation of any of the provisions of this act shall be deemed to be a public nuisance dangerous to health and may be summarily abated in the manner provided by law and it shall be the duty of all and every public officer or officers, body or bodies lawfully empowered so to do to immediately abate the same.

Report may  
be required

Firm without  
permit may  
be enjoined

CHAPTER 650.

*An act to amend section one thousand eight hundred sixty-one of the Civil Code, relating to lien of hotel keepers on property of guests for charges.*

[Approved June 7, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand eight hundred sixty-one of the Civil Code is hereby amended to read as follows:

1861. Hotel, inn, boarding-house and lodging-house keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, or boarders, or lodgers which may be in such hotel, inn, or boarding or lodging-house for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, or boarders or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within sixty days from the time when the same become due, said hotel, inn, boarding-house or lodging-house keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, once every week for four successive weeks prior to the day of sale, in a newspaper of general circulation in the county in which said hotel, inn, boarding-house or lodging-house is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder or lodger at his post office address, if known, and if not known, such notice shall be addressed to such guest, boarder or lodger at the place where such hotel, inn, boarding-house or lodging-house is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, inn, boarding-house, or lodging-house keeper to such guest, boarder or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, inn, boarding-house or lodging-house keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder or lodger to receive such baggage or property; *provided, however,*

Hotels have lien on baggage of guests

May sell baggage

Residue

Baggage not  
belonging to  
guest

that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, inn, boarding or lodging-house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

## CHAPTER 651.

*An act to amend section three thousand four hundred and sixty (3460) of the Political Code, relating to assessments and reassessments in reclamation districts*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section three thousand four hundred and sixty of the Political Code is hereby amended to read as follows:

Correction of  
mistakes in  
assessment  
of reclamation  
districts

3460. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each tract of land; and if there be any error or mistake in the description of the land, or in the name of the owner, or if any land which should be assessed has been or shall be omitted from the list, or if there is any error or mistake in any other respect, the commissioners may amend or correct the same at any time before the lists shall have been approved by the board of supervisors as hereinafter provided. When any tract of land upon which an assessment or assessments shall have been made shall be subdivided into smaller parcels, the board of supervisors may direct the commissioners who made the said assessment or assessments, or other commissioners appointed by the board of supervisors, upon application of the trustees of the district, to reapportion the assessment or assessments upon such tract in such manner as will charge each of said smaller parcels with a just proportion of the assessment or assessments previously made upon said tract so subdivided. Said commissioners shall file with the clerk of the board of supervisors of the county a list or lists of the charges assessed against each of said parcels. Said reapportionment shall be approved by the board of supervisors in the manner provided in section 3462 of this code. Said lists after such approval shall be filed with the county treasurer of the county and shall have the same effect as an original assessment.

CHAPTER 652.

*An act to amend section six hundred twenty-six h of the Penal Code of the State of California, relating to the protection of fish and game.*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-six h of the Penal Code is hereby amended to read as follows:

626h. Every person who buys, sells, offers or exposes for sale, barter or trade, the hide, pelt or skin of any deer, or who transports, carries, or has in his possession, the skin, pelt or hide of any female deer, or spotted fawn, or any deer hide or pelt from which the evidence of sex has been removed, is guilty of a misdemeanor; *provided, however,* that the provisions of this section shall not apply to the skin, pelt or hide of any deer killed or taken in a foreign country; *provided, however,* that any person who shall lawfully kill deer during the open season may make an affidavit before any justice of the peace or county clerk, setting forth the date of the killing of each deer, and that the same was killed by the affiant; and said justice of the peace or county clerk taking such affidavit shall, unless he have reason to believe that said affidavit is false, or that the affiant has violated the laws relating to the killing of game, thereupon deliver to the affiant one leather tag of the character hereinafter described for the hide of each deer covered by said affidavit, not exceeding two in any one year, and the person so receiving such tag or tags shall securely fasten with wire one tag to each deer skin and shall thereupon be entitled to offer said deer skin for sale or exchange or transportation to any point within the state between August 1st and December 31st, both dates inclusive. The tags above referred to shall be designed and issued by the state board of fish commissioners, or the chief officer charged with the enforcement of the game laws, and shall bear a stamp impressed thereon containing a number and the year of issue, and such other words or figures as such board or officer may determine. Such tags shall be numbered consecutively beginning with No. 1 each year, and shall be distributed to the various county clerks of this state to be distributed to the justices of the peace of their respective counties. Each county clerk shall receipt for the tags so received by him and shall take from each justice of the peace to whom he shall issue any of such tags a receipt in duplicate, one copy of which he shall file in his office and the other of which he shall forward to the state board of fish commissioners. Each justice of the peace or county clerk taking any such affidavit and issuing any such tag shall enter upon each affidavit the number of the tags issued by him to the affiant, and he shall forward to the county clerk of his county within five days from the close of the open season for deer in each year all such affidavits, and all unused tags, and

Protection of deer

Affidavit of lawful killing

Tags

Fee  
 After close  
 of open  
 season  
 Limit  
 Penalties

said clerk shall forward all of the same to the state board of fish commissioners. Such affidavit may also be taken by and filed with any county clerk or his chief deputy who may issue tags direct to affiant under the regulations hereinbefore mentioned. Each county clerk or his chief deputy or justice of the peace transmitting any such affidavit may make a charge to the affiant of twenty-five cents, but no other fee shall be collected for the taking of such affidavits. No tag shall be issued to any person in any year for any deer hide after the expiration of five days from the close of the open season for deer, nor shall more than two tags be issued to any person in any one year. Any person other than a county clerk, justice of the peace, or fish and game commissioner, who has in his possession more than two tags in any one year which are not attached to deer hides, is guilty of a misdemeanor. Any person who shall wilfully make a false affidavit for the purpose of securing any tag hereinbefore mentioned, or who shall counterfeit or alter, or attempt to counterfeit, or alter any such tag issued by the said board of fish commissioners shall be guilty of a misdemeanor. Every tanner or manufacturer who receives hides and does not immediately upon receiving the same at his tannery or factory mark the attached tags by punching two holes in the same, is guilty of a misdemeanor. Every person who attaches a tag which has been so punched to a hide other than the one to which it was originally attached, is guilty of a misdemeanor. Every person who buys, sells, offers or exposes for sale, barter or trade, or transports or carries any deer hide within this state unless the same shall have attached thereto a leather tag as hereinbefore provided is guilty of a misdemeanor. Every person violating any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had not less than ten days or more than one hundred and fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of this act must be paid into the state treasury to the credit of the fish and game preservation fund.

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### CHAPTER 653.

*An act defining public weigh master; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Public weigh  
 master

SECTION 1. All persons, firms, corporations, co-partners or individuals engaged in the business of public weighing for

hire, or any person, firm or corporation, who shall weigh or measure any commodity, produce, or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce or article, is based, shall be known as a public weigh master, and shall file a bond with the state superintendent of weights and measures in the sum of one thousand dollars (1,000) for the faithful performance of his duties, and shall obtain from the state superintendent of weights and measures a seal for the stamping of weight certificates hereinafter provided for, which shall only be in such form as such superintendent may prescribe; *provided*, that nothing in this act shall apply to any scales, or to the owner or lessee thereof, which are situated wholly outside of any incorporated city or town, except where said scales are being used in the weighing of any commodity which has been or is being purchased by the owner or lessee of said scales to an amount in excess of one hundred dollars per annum; and except also any scales, or the owner or lessee thereof, which are being used in the weighing of any commodity accepted for storage and for which a storage charge is made.

Bond,

Exceptions

(a) The said seals shall be the property of the state and shall be of a form and design prescribed by the said superintendent and furnished by him at the expense of the weigh master. Said seals shall be a recognized authority of accuracy when applied to weight certificates.

Seals

SEC. 2. The state superintendent shall prescribe a form of weight certificates to be used by all public weigh masters, which certificates shall be known as the "state certificate of weights and measures," and shall state thereon the kind of product, the number of units of the same, the date of receipt of the product, the owner, agent or consignee, the total weight of the product, the vessel, railroad, team, or other means by which the product was received, any trade or other mark thereon, and such other information as may be necessary to distinguish or identify the product from a like kind. No certificate other than the one herein prescribed shall be used by public weigh masters.

Weight certificates,

SEC. 3. All public weigh masters shall keep and preserve correct and accurate records of all public weighings, as provided by this act, which records shall at all times be open for inspection by the state superintendent of weights and measures, or his deputy.

Records

SEC. 4. All state certificates of weights and measures, as provided by this act, shall contain the accurate and correct weight of any and all commodities weighed when issued by the public weigh master.

(a) Any public weigh master who shall issue a state certificate of weights and measures giving a false weight or measure of any article or commodity weighed or measured by him, or his representative, to any person, firm or corporation, shall be guilty of a misdemeanor, and the state superintendent may

Penalty

direct and compel the return to him of the state seal, or declare his bond as public weigh master forfeited, or both

SEC. 5. Any person, firm, or corporation, who shall request the public weigh master, or any person employed by him, to weigh any product, commodity, or article, falsely or incorrectly or who shall request a false or incorrect state certificate of weight and measure, shall be guilty of a misdemeanor.

Re-weighing  
in case of  
doubt

SEC. 6. When doubt or differences arise as to the correctness of the net or gross weight of any amount or part of any commodity, product, or article, for which a state certificate of weight and measure has been issued by a public weigh master, the owner, agent, or consignee may, upon complaint to the state superintendent of weights and measures, have said amount or part of the amount of any commodity, product or article, re-weighed by the state superintendent of weights and measures, or a public weigh master designated by him, upon depositing a sufficient sum of money to defray the actual cost of re-weighing, with the state superintendent of weights and measures. If on re-weighing, a difference in the original weight is discovered, as the result of fraud, carelessness, or faulty apparatus, the cost of re-weighing shall be borne by the public weigh master.

Lots piled  
separately

SEC. 7. All amounts, lots, shipments or consignments of products, after having been weighed, shall be piled or stored separately, as near as can be, in order that said amounts, lots, shipments or consignments, may be distinguished from each of the other amounts, lots, shipments, or consignments of a like kind.

Appropriation

SEC. 8. There is hereby appropriated out of the general fund of the state, three thousand dollars, for carrying into effect the provisions of this act.

SEC. 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

## CHAPTER 654.

*An act to add a new section to the Penal Code to be numbered five hundred fifty-six relating to the sale of coal.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be numbered five hundred fifty-six and to read as follows:

Sale of coal.

556. No person shall wilfully or knowingly, with intent to defraud, sell or exchange, or offer or expose for sale or exchange, coal of a specific name or kind under any other name or description, or as the output of any mine other than the mine of which it is the product, and any person who shall violate any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 655.

*An act to amend an act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes approved March 31, 1897, by adding thereto two sections to be known respectively as section sixty-one b and section sixty-one c, relating to the acquiring of irrigation systems and works by the exchange of bonds therefor and the validation of such bonds.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes (approved March 31, 1897) is hereby amended by adding thereto a new section to be known as section sixty-one *b*, to read as follows:

61b. The board of directors of irrigation districts having an area of more than 500,000 acres may acquire, by purchase or condemnation, the irrigation system, canals and works through which lands in such districts have been supplied with water for irrigation and where a part of such system, canals or works lies within a foreign country or outside of the State of California, may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, whether within California or in such foreign territory, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof lying outside of the State of California, upon such terms and conditions as the said board of directors may deem best.

Directors may purchase irrigation work.

SEC. 2. The above mentioned act is further amended by adding thereto a new section to be known as section sixty-one *c*, to read as follows:

61c. Where the board of directors of an irrigation district have exchanged bonds or have agreed to exchange bonds for property rights in any irrigation system or works or for any interest therein under the provisions of section sixty-one *b* of this act, the court shall, in any proceeding brought under the provisions of the last section, by its decree determine the validity of all bonds issued or to be issued under any contract or contracts for the exchange of bonds for property interests and by its decree shall determine whether the bonds provided for in said contracts, when delivered to the person or corporation entitled thereto under the terms of any such contract, shall constitute valid obligations of said irrigation district as against all persons.

Determine validity of bonds.

## CHAPTER 656

*An act to amend section two thousand five hundred fifty-two of the Political Code, relating to the salaries of the board of state harbor commissioners and assistants, said amendment relating to the salary of the president of the board and his duties, and the fund out of which the said salaries and the compensation of employes of the board shall be payable.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two thousand five hundred fifty-two of the Political Code of the State of California is hereby amended to read as follows:

Salaries of  
harbor  
commis-  
sioners, etc

2552 The monthly salaries of the officers of the board shall be as follows: The president, four hundred sixteen and sixty-six hundredths dollars; each of the other two commissioners, two hundred and fifty dollars; the secretary, two hundred and fifty dollars; the assistant secretary, two hundred dollars; the attorney, two hundred dollars; the chief wharfinger, two hundred and fifty dollars; the wharfingers, one hundred and fifty dollars; and the collectors, one hundred and twenty-five dollars. The board must fix the compensation of the other employees. Said salaries and compensation shall be paid out of the San Francisco harbor improvement fund. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses. The president shall be chief executive officer of the board and business manager of harbor affairs and shall actively superintend and supervise the conduct of the dock system and the state belt railway and all other departments of the harbor business.

## CHAPTER 657.

*An act to regulate the payment of wages or compensation of employes in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Wages due  
semi-  
monthly

SECTION 1 All wages or compensation of employes in private employments shall be due and payable semi-monthly, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and

payable not later than the fifteenth day of the month following the one in which such wages were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month, shall be due and payable not later than the last day of the same month. The words "private employments" used in this act shall mean and include all employments other than those mentioned in section six hereof and those under the direct management, supervision and control of the State of California, any county, city and county, incorporated city or town, or other municipal corporation or political subdivision of the State of California, or any officer or department thereof. But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semi-monthly.

"Private employments" defined

SEC. 2. Every employer shall establish and maintain regular pay days as herein provided, and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by the employees as they go to and from the work, setting forth the regular pay days as herein prescribed.

Regular pay days

SEC. 3. The payment of wages or compensation of employees in the employments defined herein, shall be made in lawful money of the United States or by a good and valid negotiable check or draft, payable on presentation thereof at some bank or other established place of business, located in this state, without discount in lawful money of the United States, and not otherwise.

Payment in lawful money

SEC. 4. In case an employee in any said employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided, he shall be paid the wages or compensation within five days after making a demand therefor.

When employee is absent

SEC. 5. Every person, or any agent of any person, co-partnership, association or corporation, who, having the ability to pay, shall wilfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure, for himself or any other person, any discount upon such indebtedness, or with intent to annoy, or harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is due, shall be guilty of a misdemeanor.

Employer refusing to pay

SEC. 6. This act shall not apply to employers and employees engaged in farm, dairy, agricultural, viticultural or horticultural pursuits, in stock or poultry raising, in household domestic service, or to employers having less than six employees regularly employed.

Act not applicable to

SEC. 7. The commissioner of the bureau of labor statistics shall enforce the provisions of this act.

Enforcement

## CHAPTER 658.

*An act to amend section four thousand two hundred and forty-one of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and forty-one of the Political Code of the State of California, is hereby amended to read as follows:

Counties of  
12th class,  
salaries of  
officers

4241. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County  
clerk

1. The county clerk, four thousand dollars per annum, one deputy to act as court room clerk at twelve hundred dollars per annum. The county clerk shall also have for use in his office, and under his supervision and control, a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer shall be filled by the county clerk in the same manner as deputies are appointed by him, and said stenographer shall receive a salary of seventy-five dollars per month, to be paid in the same manner as the salaries of county officers are paid. The county clerk shall also receive ten cents per name of each elector entered upon the great register of the county, and also such fees as may be allowed by law for issuing hunting and fishing licenses, and all naturalization fees allowed to the clerk by the naturalization laws of the United States. In any county of this class where an additional deputy clerk has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year 1910, the deputy herein provided for to act as court room clerk shall take the place of and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court.

Sheriff

2. The sheriff, sixty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile necessarily traveled in the performance of such duty within the county, and at the rate of ten cents per mile, one way only, for every mile necessarily traveled in the performance of such duty outside of the county. He shall have a deputy at a salary of twelve hundred dollars per annum. In any county of this class where an additional deputy sheriff has been allowed on account of an increase in the number of departments of the superior court in and for said county since the year 1910, the deputy herein provided for shall take the place

of and perform the duties of such additional deputy so allowed on account of an increase in the number of departments of the superior court.

3. The county recorder, two thousand dollars per annum, Recorder.  
and one deputy at twelve hundred dollars per annum;  
and six cents per folio for every instrument of any character  
transcribed by him or his deputies, which said amount shall be  
paid by the county treasurer out of the county treasury.

4 The county auditor, twenty-four hundred dollars per Auditor  
annum and two deputies each to receive twelve hundred dollars  
per annum.

5. The county treasurer, twenty-four hundred dollars per Treasurer  
annum, and one deputy at a salary of twelve hundred dollars  
per annum

6. The tax collector, twenty-four hundred dollars per Tax  
annum, and a deputy at twelve hundred dollars per annum. collector.  
He shall also have ten clerks at seventy-five dollars per month  
each, for not to exceed two months during each and every  
year.

7 The county assessor, twenty-four hundred dollars per Assessor  
annum, a chief deputy at twelve hundred dollars per annum,  
and fifteen field deputies for the months of March, April, May  
and June of each year, each of which field deputies shall  
receive a salary of five dollars per day for each day actually  
employed in the performance of his duties. He shall also  
have two clerks for the months of January, February, March,  
April, May and June of each year at a salary of seventy-five  
dollars per month each, and one index clerk for the months  
of April, May and June of each year at a salary of seventy-  
five dollars per month. He shall also have for use in his  
office, and under his supervision and control, a draftsman,  
which office of draftsman is hereby, by the terms of this act  
expressly created. It shall be the duty of said draftsman to  
prepare, under the supervision of the assessor for use in  
said office, proper books, blanks and plat books. Said posi-  
tion of draftsman shall be filled by the assessor in the same  
manner as deputies are appointed by him, and said draftsman  
shall receive a salary of fifteen hundred dollars per annum,  
to be paid in the same manner as the salaries of county officers  
are paid.

8. The district attorney, three thousand dollars per annum, District  
He shall have a deputy at a salary of twenty-four hundred attorney.  
dollars per annum, and he shall also have for use in his office,  
and under his supervision and control, a stenographer, which  
office of stenographer is hereby, by the terms of this act,  
expressly created. The said position of stenographer shall  
be filled by the district attorney in the same manner as depu-  
ties are appointed by him, and said stenographer shall receive  
a salary of seventy-five dollars per month, to be paid in the  
same manner as the salaries of county officers are paid.

9. The coroner, such fees as are now, or may be hereafter Coroner  
allowed by law.

Adminis-  
trator

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, for full services, including his duties with and on the county board of education, twenty-two hundred dollars per annum, and actual traveling expenses when visiting schools of his county. He shall have one deputy at a salary of twelve hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum.

Surveyor

12. The county surveyor shall receive a salary of two thousand dollars per annum, and he shall be allowed one deputy at twelve hundred dollars per annum. The surveyor shall be allowed, not to exceed one thousand dollars per annum for traveling and field expenses of self and chainmen or assistant in the field. In addition to the duties as now provided for by law, the surveyor shall furnish the county assessor with maps of colony, subdivision, or tracts filed for record in the recorder's office, desired by him for his official plat books. The surveyor shall give his entire time to the duties of the office.

Ju-  
stices of  
the peace

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: In townships having a population of three thousand or more, one hundred dollars per month. In townships having a population of not less than two thousand and under three thousand, fifty dollars per month. In townships having a population of not less than one thousand and under two thousand, forty dollars per month. In townships having a population of less than one thousand, thirty dollars per month. Said salaries enumerated in this paragraph shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases. All such fees as are allowed by law in civil cases shall be paid by all justices into the county treasury in the same manner as the fees of county officers are paid. It is hereby found as a fact that as to all townships having a population of less than three thousand the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Constables

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: In townships having a population of more than three thousand, eighty dollars per month. In townships having a population of not less than two thousand and under three thousand, sixty dollars per month. In townships having a population of not less than one thousand and under two thousand, forty dollars per month. In townships having a population of less than one thousand, twenty-five dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury in the same

manner as the fees of county officers are paid. It is hereby found as a fact that the changes in salaries of constables do not work an increase in compensation and the same shall apply immediately to incumbents. In addition to the monthly salary allowed herein, each constable shall be allowed ten cents per mile, for each mile necessarily traveled in the execution of all criminal process within the county, and ten cents per mile, one way only, for each mile necessarily traveled in the execution of all criminal process outside the county. In addition, each constable shall be allowed all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all business, both civil and criminal, done during the preceding month, with the board of supervisors, and he shall file the same on or before said date above mentioned, with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases the places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Statements  
of constables  
and justices

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Population  
of townships

17. Each supervisor, fifteen hundred dollars per annum, for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed eighty dollars for any one month.

Supervisors

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

No fees

19. In counties of this class, there shall be one probation officer whose salary shall be one hundred dollars per month. He shall have one assistant at a salary of seventy-five dollars per month.

Probation  
officers

## CHAPTER 659.

*An act to establish a standard for the packing in the State of California of the kinds or fresh fruits specified in this act, for sale or for transportation for sale, for interstate and foreign shipment, and to prevent deception in the packing; also to establish a system of inspection for the same.*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Standard  
fruit pack

SECTION 1. There is hereby created and established a standard for the packing of fresh fruits, for interstate and foreign shipment, of the kinds specified in this act.

SEC. 2. Any box, basket, package or container of fresh fruit of the kinds specified in this act, which shall be packed and offered for sale or for transportation for sale, shall be packed in accordance with the specifications herein made.

Free from  
insects

SEC. 3. All deciduous fruits of the kinds specified in this act when packed shall be practically free from insects and fungous diseases.

In bulk

SEC. 4. All fresh fruit of the kind specified in this act which shall be sold in bulk or loose in the box without packing, shall be exempt from the provisions of this act.

Cherries.

SEC. 5. All cherries packed in boxes or packages shall contain fruit of practically uniform quality and maturity and one variety only, excepting that such boxes or packages may contain more than one variety if such fact be plainly stamped on the outside of the box or package with the words "mixed varieties" with letters one-half inch high. Each box or package shall be stamped on the outside with the minimum weight of contents, and name of variety or varieties.

Peaches,  
etc.

SEC. 6. Peaches, apricots, pears, plums and prunes, shall be of practically uniform size, quality and maturity. When packed in crates, packages or containers made up of two or more sub-containers having sloping sides, for the purpose of ventilation of the fruit therein, the fruit shall not vary in size more than ten per cent and no layer below the top layer shall contain a greater numerical count than the top layer. Each box, crate, package, container or sub-container shall be stamped upon the outside with the minimum weight of its contents. Each box, crate, package or container, except sub-containers, shall bear in plain letters the name of the variety contained therein. When packed in a box, package or container having perpendicular sides and ends, each box shall contain approximately the same numerical count in each layer; *provided*, that when peaches are packed in boxes, packages or containers, having perpendicular sides the box, package or container shall also be marked upon the outside of the end thereof in plain figures with the approximate number of peaches in the box, which shall be within four peaches of the true count.

SEC. 7. Grapes packed for table use shall be of uniform quality and maturity and shall be well matured and show a sugar content of not less than seventeen per cent Balling's scale, except Emperor, which shall show not less than sixteen per cent Balling's scale. Each crate or other package and containers therein shall bear in plain figures the minimum weight of contents. Each crate or package except sub-containers shall be stamped in plain letters with the name of the variety.

Grapes

SEC. 8. Berries shall be packed in uniform packages of dry quart containing an interior capacity of 67.2 cubic inches, or dry pint containing an interior capacity of 33.6 cubic inches and shall be reasonably uniform in size, quality and maturity throughout the package or container.

Berries.

SEC. 9. Cantaloupes shall be placed in standard crates 12 x 12 x 23½ inches containing forty-five cantaloupes of uniform size and maturity. Pony crates 11 x 11 x 23½ inches containing forty-five cantaloupes of uniform size and maturity. Jumbo crates 4½ x 13½ x 23½ inches containing twelve cantaloupes of uniform size and maturity or containing fifteen cantaloupes of uniform size and maturity.

Cantaloupes

SEC. 10. All boxes, crates, packages or containers of deciduous fruits of the kinds specified in this act, except sub-containers, when packed and offered for sale, or for transportation for sale, shall bear upon them in plain sight and plain letters on the outside the name of the orchard, if any, and the name and post office address of the person, firm, company, corporation or organization, who shall have first packed or authorized the packing of the same, also the name of the locality where the fruit is grown.

Name of  
the fruit

SEC. 11. In counties having a county horticultural commissioner it shall be his duty (and the duty of his deputies) acting as inspectors, which office is hereby created, to enforce the provisions of this act. Additional inspectors shall be appointed by the county horticultural commissioner, upon petition of like nature and at the same pay as provided in section twelve of this act; *provided*, that any county having and enforcing a standard higher than the standard in this act shall be exempt from the provisions of this act upon declaration to such effect by the state horticultural commissioner.

Duty of  
county  
horticultural  
commissioner

SEC. 12. In a city and county or in counties having no county horticultural commissioner, or deputy, it shall be the duty of the county board of supervisors, upon petition filed with them to appoint inspectors. Said petition shall be signed by at least twenty-five bona fide fruit growers residing in that county, or city and county. The inspectors shall receive for their services the sum of three and one-half dollars per day to be paid monthly upon warrants drawn upon the county treasurer. Upon the petition of twenty-five resident freeholders who are fruit growers or shippers of fruit, the county horticultural commissioner, or board of supervisors, where there is no county horticultural commission, shall immediately

Appoint-  
ment of  
inspectors

remove said inspector for neglect of duty, malfeasance in office, or general unfitness for office. In case of such removal the office shall immediately be filled.

Penalty.

SEC. 13. Any person, firm, company, corporation, or organization who shall knowingly pack, or cause to be packed, fruit of the kinds specified herein, in boxes, crates, packages, containers, or sub-containers, to be offered for sale or for transportation for sale, in wilful violation of this act, shall be guilty of a misdemeanor.

SEC. 14. All laws in conflict with this act or any part thereof are hereby repealed.

Constitutionality

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

## CHAPTER 660.

*An act to amend sections one and six of an act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1905, as amended by an act approved March 3, 1909.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies and repealing conflicting acts," approved March 22, 1905, as amended by an act approved March 3, 1909, are hereby amended to read as follows:

Street franchises granted on condition

Section 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street or interurban railroads upon any public street or highway, to lay gas pipes for the purpose of carrying gas for light, heat or power, to erect poles or wires for transmitting electricity for light, heat or power, along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by boards of supervisors, boards of trustees or common councils, or other governing or legislative bodies of any county, city and county, city or town within this state, except steam railroads and except telegraph or

telephone lines doing an interstate business, and renewals of franchises for piers, chutes or wharves, shall be granted upon the conditions in this act provided, and not otherwise. The grantor may, however, in such franchise impose such other and additional terms and conditions not in conflict herewith, whether governmental or contractual in character, as in the judgment of the legislative body thereof are to the public interest.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Work to erect or lay telegraph or telephone wires, to construct street or interurban railroads, to lay gas pipes for the purpose of carrying gas for light, heat or power, to erect poles or wires for transmitting electricity for light, heat or power along or upon any public street or highway, or to exercise any other privilege whatever, a franchise for which shall have been granted in accordance with the terms of this act shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and work to construct street or interurban railroads under any such franchise shall be completed within not more than three years from the granting of such franchise, and if not so completed within said time such franchise so granted shall be forfeited; *provided*, that for good cause shown, the governing or legislative body may by resolution extend the time for completion thereof, not exceeding three months. Work under any franchise other than for a street or interurban railroad shall be prosecuted diligently and in good faith so as to meet and fill the reasonable needs of the inhabitants of the territory for the service of which the franchise is granted.

Commencement of work

Franchise forfeited

SEC. 3. Nothing in this act contained shall affect any franchise or the conditions thereof heretofore granted under the terms of the act of which this is amendatory.

CHAPTER 661.

*An act to repeal section seven of an act entitled "An act providing for the organization and management of mutual workmen's compensation insurance companies and defining the same and regulating the transaction of the business of mutual workmen's compensation insurance in the State of California," approved May 26, 1913.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 7 of an act entitled "An act providing for the organization and management of mutual workmen's compensation insurance companies and defining the same and

Repealed.

regulating the transaction of the business of mutual workmen's compensation insurance in the State of California," approved March 26, 1913, is hereby repealed.

## CHAPTER 662.

*An act to amend section 2 of an act entitled "An act to promote the general welfare of the people of this state as affected by accident causing the injury or death of employees in the course of their employment, by creating a liability on the part of employers to compensate such employees and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a 'state compensation insurance fund' to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating an industrial accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 26, 1913.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 2 of an act entitled "An act to promote the general welfare of the people of this state as affected by accident causing the injury or death of employees in the course of their employment, by creating a liability on the part of employers to compensate such employees and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a 'state compensation insurance fund' to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating an industrial

accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act," approved May 26, 1913, is hereby amended to read as follows:

Sec. 2. The following terms as used in this act shall, unless Definitions a different meaning is plainly required by the context, be construed as follows:

(1) The term "commission" means the industrial accident commission of the State of California.

(2) The term "commissioner" means one of the members of the commission.

(3) The term "compensation" means compensation under this act and includes every benefit or payment conferred by sections twelve to thirty-six, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

(4) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act.

(5) The term "person" includes an individual, firm, voluntary association or a corporation.

(6) The term "insurance carrier" includes the state compensation insurance fund herein created and any private company, corporation, mutual association, reciprocal or inter-insurance exchange authorized under the laws of this state to insure employers against liability for compensation under this act.

(7) The phrase "compensation provisions of this act" means and includes sections twelve to thirty-five, inclusive, of this act.

(8) The phrase "safety provisions of this act" means and includes sections fifty-one to seventy-two, inclusive, of this act.

(9) Whenever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

## CHAPTER 663.

*An act to amend section seven hundred and seventy-seven, of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto, relating to contracts for public works in cities of the fifth class.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 777 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

Sec. 777. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or waterfronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period; such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the board of trustees may reject any and all bids presented and re-advertise, in their discretion; *provided, further*, after rejecting bids, the board of trustees may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; *and provided, further*, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the board of trustees may, by resolution passed by vote of four-fifths of all its members declare and determine that public interest and necessity demands the immediate expenditure of public money to safeguard life, health or property and thereupon they may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency. The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest responsible bidder, after notice as provided in this section

Work in  
cities of  
5th class  
costing \$300  
done by  
contract

By day  
labor

In case of  
calamity

CHAPTER 664.

*An act to appropriate money to be expended by and under the direction of the department of engineering for the purpose of rectifying and improving the chauncels of the Sacramento, San Joaquin and Feather rivers and such other waters of the state as the department of engineering may determine; improving the navigability of such waters and acquiring land for necessary rights of way therefor; making surveys, investigations and report upon the feasibility of canalizing the rivers of the state and constructing canals for navigation, and making surveys, investigations and plans for flood control.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of one hundred fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers, and such other waters of the state as the department of engineering may determine, improving the navigability of such waters, acquiring land for necessary rights of way for such improvements; making surveys, investigations and report upon the feasibility of canalizing the rivers of the state and constructing navigable canals, making surveys, investigations and plans for flood control upon any stream, the flood waters of which may injure or menace lands in the State of California; *provided, however,* that before any expenditure shall be made or contracts awarded by said department for construction work to be done affecting navigable waters, the plans therefor shall be approved by the proper officers of the government of the United States having charge of river work in California.

Appropriation improving Sacramento river, etc

SEC. 2. All expenditures hereunder for rights of way, labor, materials and machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of control, as provided by law.

Audit

SEC. 3. Of the money herein appropriated fifty thousand dollars shall become available immediately upon this act becoming effective and the remaining one hundred thousand dollars shall become available on the first day of July, 1916.

When available

## CHAPTER 665.

*An act appropriating money to pay the claim of Clarence H. Peterson against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim,  
C. H.  
Peterson

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Clarence H. Peterson against the State of California. The state controller is hereby directed to draw his warrant in favor of Clarence H. Peterson for said sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

## CHAPTER 666.

*An act amending sections one, two, three, four, five, eight, and nine of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled, 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, approved June 14, 1913.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled, "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, approved June 14, 1913, is hereby amended to read as follows:

State work  
under charge  
of  
engineering  
department

Section 1. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind excepting improvements on the property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the department of engineering. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any state

structure, building, road, or other state improvement of any kind, shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the advisory board of the department of engineering and the original draft thereof filed permanently in the office of the department of engineering before further action is taken.

SEC. 2. Section two of said act is hereby amended to read as follows:

Sec. 2. Said department of engineering shall after the approval and filing of plans, specifications and estimates of cost, as in this act required, let such work by contract to the lowest responsible bidder or bidders upon public notice which shall be given as follows: Notice of such work must be published once a week for three consecutive weeks next preceding the day set for the receiving of bids in two trade papers of general circulation, one published in Los Angeles and one in San Francisco, devoted primarily to the dissemination of contract and building news among contracting and building material supply firms; *provided*, that if the work comes within the immediate supervision of the state engineer, in the record kept for that purpose the state engineer shall register any one desiring to be so registered for the purpose of becoming a prospective bidder upon state work, which registration shall be renewed on or before the beginning of each fiscal year, and whenever any state work is to be let by contract the state engineer shall cause a notice of the same to be mailed to each of the addresses so registered at least twenty-five days prior to the date set for the receiving of bids. In each case such notice must state the time and place for the receiving and opening of sealed bids and must also state that the bids will be required for the entire work and also, when advisable, for the performance of segregate parts of the entire work, such segregation to be determined by the department of engineering and designated in such notice.

Contract to lowest bidder

Registration of prospective bidders

SEC. 3. Section three of said act is hereby amended to read as follows:

Sec. 3. On the day named in said public notice the department of engineering shall proceed to publicly open said sealed bids, and shall award such contract or contracts to the lowest responsible bidder or bidders. All bids shall be presented under sealed cover and shall be accompanied by cash, a bidder's bond, or a certified check made payable to the state engineer, for an amount equal to at least ten per cent of the amount of said bid and no bid shall be considered unless such cash, bond or check is enclosed therewith. Should the successful bidder to whom the contract is awarded fail to execute the same, such cash, bond or check shall be forfeited to the State of California and the same shall be the property of the state. All other cash, bonds and certified checks shall within ten days after the date

Opening of bids, etc

Contracts  
submitted  
to attorney  
general

of the award of said contract, be returned to the unsuccessful bidders who submitted the same. Such contract or contracts shall not be binding on the state until they are submitted to the attorney general and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made. If in the opinion of such department of engineering the acceptance of the lowest responsible bid or bids shall not be for the best interests of the state, it may be lawful for them to reject all bids and advertise for others in the manner aforesaid. But after the approval of the plans, specifications and estimates of costs by the advisory board of the department of engineering, if, in the opinion of such department of engineering the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for them to direct that the erection, construction, alteration, repair, or improvement of any state structure, building, road, or other state improvement of any kind, except as provided in section one of this act, shall be done by day's labor, under the direction and control of the department of engineering. Upon the approval of the advisory board, the state engineer or other duly authorized officers of the department of engineering may, when proceeding upon the basis of day's labor, let any subdivision or unit of said work by contract upon informal bids. All contracts shall provide that such department of engineering may, as hereinafter provided, and on the conditions stated, make any change in the plans and specifications. Certified copies of such contracts shall be filed with the controller and the board of examiners.

Work may  
be done by  
day labor.

SEC. 4. Section four of said act is hereby amended to read as follows:

Change of  
plans after  
contract is  
let

Sec 4. After the contract or contracts are let no change shall be made to increase or diminish the cost of any contract in excess of five hundred dollars, except upon the approval of the advisory board of the department of engineering, and then only upon additional plans and specifications and estimates of cost being filed and approved, and amended contracts entered into and filed with the original contract. This section shall not be construed, in state road or highway work, to prevent the receipt of bids or the making of a contract upon a unit basis, that is, the bids compared upon the basis of the estimates of quantities of the work to be done, nor the increase or decrease of such quantities during the progress of the work by the department of engineering as may be deemed expedient by such department, nor the insertion of provisions in the contract for the performance of such extra work and the furnishing of such materials therefor by the contractor as may be required by such department for the proper completion or construction of the whole work contemplated; *provided*, that the bidders shall have had equal opportunity of knowing what

Unit basis

the terms proposed by the department of engineering for the performance of such extra work shall be

SEC. 5. Section five of said act is hereby amended to read as follows:

Sec. 5 Except in unit basis contracts in state road or highway work, no contract or contracts shall be made exceeding in amount the estimates of costs approved by the advisory board of the department of engineering and no plans and specifications and estimates of cost including expense of advertising and inspection, shall be approved by said board requiring a greater expenditure of money than is appropriated for the specific purpose in the act authorizing the same.

No contract to exceed estimates

SEC. 6. Section eight of said act is hereby amended to read as follows:

Sec. 8. Whenever, in the opinion of the department of engineering, the work under any contract made in pursuance of this act, is neglected by the contractor or contractors, or the same is not prosecuted with diligence and force specified or intended in and by the terms of the contract, it shall be lawful for such department of engineering to make a requisition upon such contractor or contractors for such additional specific force, or for such additional specific material, to be brought into the work under such contract, or to remove improper materials from the grounds; of which action of said department of engineering due notice in writing of not less than five days, shall be served upon such contractor, or his or their agent having charge of the work. Such written notice may be served by personally delivering such notice to such contractor, or his agent having charge of the work, or by registered mail directed to such contractor or agent (the period of five days to run from the date of registration in the United States post office), or when such contractor or his agent has left the state or his address is unknown, by posting such notice in a conspicuous place upon the premises of work. If such contractor or contractors fail to comply with such requisition within five days, it shall be lawful for said department of engineering to employ upon such work the additional force, or supply the materials so specifically required as aforesaid, or such part of either as they may deem proper, and to remove improper materials from the grounds; and it shall be the duty of such department of engineering to make separate estimates of all such additional force or materials so employed or supplied as aforesaid, and the amount so estimated shall be charged against said contractor or contractors, and deducted from his or their next, or any subsequent, estimate; or the same, or any part thereof not paid as aforesaid, may be recovered by action from such contractor or contractors and their sureties.

When contractor is negligent

SEC. 7. Section nine of said act is hereby amended to read as follows:

Sec. 9 In all contracts made under the provisions of this act, there shall be a provision in regard to the time when the whole, or any specified portion, of the work contemplated in

Time for completing work

said contract shall be completed, and also providing that for each and every day the same shall be delayed beyond such time or times so named, the said contractor or contractors shall forfeit and pay to the state a sum of money, to be fixed and determined in said contract, to be deducted from any payment or payments due, or to become due, to said contractor or contractors; *provided, however*, that the department of engineering may, in its discretion, grant such extensions of time as it may deem expedient and for the best interests of the state. Any such contract shall provide for the filing of a sufficient bond by the contractor to secure the payment of the claims of materialmen, mechanics, or laborers employed upon state work; a penalty of ten dollars per day to be forfeited to the state for each calendar day during which any laborer, workman or mechanic is employed or permitted to labor more than eight hours; a minimum compensation of not less than two dollars per day for labor; that no Chinese or Mongolian labor shall be employed and such other provisions as are now or may hereafter be provided by law.

Extensions  
of timeBond  
covering  
hours of  
laborNo Chinese  
labor

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## CHAPTER 667.

*An act requiring employers who provide hospital service for their employees and who make a charge therefor, to keep books, records and accounts of all such charges, and to make an annual written report thereof; requiring each such charge to be just and reasonable and to be devoted to no other purpose than such hospital service; and prescribing penalties for violations of the provisions thereof.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Definitions SECTION 1. The following terms, as used in this act, shall be construed as follows:

"Employer" (a) The term "employer" shall mean and include every person, partnership, company, association, joint stock association or corporation engaged in any business or enterprise in this state and hiring or employing five or more persons in such business.

"Charge" (b) The term "charge" shall mean and include any deduction from the salary or wage of an employee, or any collection from or contribution by an employee, whether such charge be made regularly at stated intervals or at the time of injury or illness of an employee, or at any other time or in any other manner.

Employer  
furnishing  
hospital  
service to  
make report  
SEC. 2. Every employer who affords or provides hospital service of any sort for his employees, for which service any charge is received or collected by such employer, or at his instance or request, shall in each year, on or before the thirtieth day of January thereof, file as hereinafter provided a

written report for the next last preceding year, which report shall contain a statement showing (1) the total amount of hospital charges collected or received during the year, (2) an itemized account of all expenditures, investments or other disposition of such charges, and (3) a statement showing what balance, if any, remains. This report shall be verified by the employer, if an individual; by a member, if a partnership; by the secretary or president, if a corporation, company, association or joint stock association.

SEC. 3. Every such hospital charge demanded, collected or received by an employer shall be just and reasonable. The railroad commission is hereby given authority to decide what is an unreasonable charge in all cases where such charge is made by a hospital maintained by a public utility, and in all cases where the charge is made by a hospital maintained by other than a public utility, the industrial accident commission is hereby given authority to decide what is an unreasonable charge.

Charges must be just

SEC. 4. No such hospital charge collected or received by an employer shall be devoted to any purpose other than bona fide hospital or medical service for the employees from whom the charge is demanded, collected or received.

Purpose of charges

SEC. 5. Every public utility employer who is under a duty to render the report referred to in section two of this act shall be subject to the jurisdiction, control and regulation of the railroad commission in respect to auditing and inspection of all books, records and accounts and to enforce its orders in the same manner and to the same extent as said commission possesses over any public utility that is subject to the provisions of the "public utilities act" of this state, approved December 23, 1911, as amended June 11, 1913, and June 14, 1913, and all acts amendatory thereof or supplemental thereto. Every employer coming under the provisions of this act shall be required to post a copy of this statement or report upon all bulletin boards at terminals or in a conspicuous place where employees can read such statement or report. Every employer other than a public utility, who is under a duty to render the report referred to in section two of this act, shall be subject to the jurisdiction, control and regulation of the industrial accident commission in respect to the auditing and inspection of all books, records and accounts and the authority is hereby conferred upon said industrial accident commission to enforce by appropriate orders and processes the provisions of this act. The written report required by section two hereof when made by a public utility shall be filed with the railroad commission. All other written reports required by section two hereof shall be filed with the industrial accident commission.

Public utilities subject to railroad commission

SEC. 6. Every employer neglecting or failing to render or file the report required by section two of this act is guilty of a misdemeanor and is punishable by a fine not less than one hundred dollars or more than two thousand dollars for each offense.

Penalty

## CHAPTER 668.

*An act to amend sections two, three, six, twelve, sixteen and thirty-two, of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, and known as the "weights and measures act."*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, known as the "weights and measures act," is hereby amended to read as follows:

Sec. 2. The term of office of state superintendent of weights and measures shall be four years, or until his successor shall have been appointed and qualified, but he shall

always be subject to removal at the pleasure of the governor. The salary of state superintendent of weights and measures shall be thirty-six hundred dollars per annum, payable in the same manner as other state officers are paid. Before entering upon his duties he shall execute a bond to the state in the sum of five thousand dollars conditioned upon the faithful performance of his duties.

SEC. 2. Section three of said act is hereby amended to read as follows:

Sec. 3. The state superintendent may appoint a deputy, <sup>Deputies</sup> who shall have the same powers as the state superintendent. Such deputy shall receive a salary of eighteen hundred dollars per annum, payable in the same manner as other state officers are paid. He shall be at all times subject to removal at the pleasure of the state superintendent. The state superintendent may also appoint additional deputies from time to time to serve as sealers of weights and measures at the request of counties, as provided in section sixteen of this act. Such deputies when actually employed shall be paid at the rate of one hundred and fifty dollars per month by the county engaging their services and not by the state. They also shall receive their actual traveling expenses from such county.

SEC. 3. Section six of said act is hereby amended to read as follows:

Sec. 6. The standards referred to in the preceding section <sup>Standards</sup> shall be kept by the state superintendent in a safe and suitable place in his office from which they shall not be removed except for repairs or certification. He shall maintain such standards in good order and shall submit them at least once in ten years to the national bureau of standards for certification. Upon demand the secretary of state shall deliver to the state superintendent all standards now under the control and in the possession of the secretary of state in his capacity of ex officio state sealer of weights and measures. The state superintendent shall thereupon submit such standards received from the secretary of state to the national bureau of standards for certification, and he shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures as required by this act. He shall also purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office. The state superintendent of weights and measures may establish tolerances for use in the State of California similar to the tolerances established by the national bureau of standards, and he may establish a standard net weight, or net measure, or net count, of any commodity, produce, or article.

SEC. 4 Section twelve of said act is hereby amended to read as follows:

Sec 12. The state superintendent if he finds that any <sup>Sealers who neglect duty, etc.</sup> sealer of weights and measures appointed under the provisions of this act, or any sealer or deputy sealer appointed by

any city or county in this state, prior to this act, has refused or neglected to perform the duties of his office or refused to accept the recommendations and instructions of the state superintendent or is guilty of any malfeasance in office or who is incompetent, shall present to the body, officer or board having power to remove such sealer or deputy sealer of weights and measures a written charge and accusation based upon and clearly stating the alleged offense or offenses of such sealer or deputy sealer and request such body, officer or board to hear and determine such charge and accusation. Upon receipt of such charge and accusation, it shall be the duty of the body, officer or board with whom the same have been filed to make an order setting the same for hearing at a time which shall be not less than ten nor more than twenty days from the date upon which such charge and accusation shall have been filed, and shall in such order fix the time and place for such hearing. A copy of such charge and accusation, together with a copy of such order, shall be served upon the accused at least seven days prior to the time fixed for such hearing; *provided*, that in the event he shall absent himself from his usual place of business, or office, such service may be made by depositing such copies in a conspicuous place therein or by leaving the same at the last known place of residence of the accused, within the time above limited. At such hearing the accused shall have the right to be represented by counsel, if he so desires, and to produce witnesses and documentary evidence in his defense. If, upon such hearing, he be found guilty of malfeasance in office, or adjudged to be incompetent to perform the duties of the office; the body, officer or board before whom such hearing is had must forthwith remove him from office. If he be found guilty of any of the other offenses herein enumerated he may be punished by removal, or by suspension without pay for a period not exceeding thirty days, as such body, board or officer may determine. If he has reason to believe that any such sealer or deputy sealer of weights and measures has committed any of the offenses specified in section seven hundred and seventy-two of the Penal Code, the state superintendent may, in his discretion, present an accusation to the superior court of the county in which the accused is employed, which shall thereupon be heard and determined by such court in the manner provided by law. The remedies provided in this section are cumulative merely, and shall not in any wise detract from the right of the appointing power to remove at will any such sealer or deputy sealer of weights and measures. It shall be unlawful for the state superintendent, his deputies, or any sealer of weights and measures to keep for sale, or offer or expose for sale, or to sell to any person, firm, or corporation, or dealer in goods, wares and merchandise, doing or intending to do business in the State of California any weighing or measuring instrument, or to be interested directly or indirectly in the sale of any weighing or measuring instrument.

Hearing.

If found guilty

Sealers, etc., not to sell weighing instruments.

SEC. 5. Section sixteen of said act is hereby amended to read as follows:

Sec. 16. The office of sealer of weights and measures is hereby created. Whenever in this act the term "sealer" is used, the same shall be taken to mean and refer to sealer of weights and measures. Within one hundred and twenty days after the approval of this act by the governor, it shall be the duty of the board of supervisors of each of the counties of the state except as hereinafter provided, to appoint a sealer of weights and measures for their respective counties, said sealer shall receive as compensation the sum of five dollars per day for each day actually employed in the service of the county, to be audited and paid as other claims against the county. He shall be allowed his traveling expenses actually and necessarily incurred in the performance of his duties. The term of office of such sealer of weights and measures shall be four years, but he shall be subject to removal at the will of such board. A sealer appointed under this act may, with the consent of the board of supervisors of the county appointing him, appoint a deputy or deputies when necessary or expedient to carry out the provisions of this act. The compensation of such deputies shall be the same as the county sealer and paid in the same manner. Such deputies shall always be subject to removal by the sealer of weights and measures. In case the legislative body of any county or city and county shall not appoint a sealer for such county or city and county within thirty days after written request for such appointment by the state superintendent, is received, said state superintendent shall assign as soon as practicable a deputy superintendent who shall perform all the duties of sealer in such county or city and county as provided in this act to be performed by county or city sealers and to provide copies of the original standards of weights and measures for use by said deputy in such county. The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid. The amount to be paid shall be at the rate of one hundred and fifty dollars per month for the time such deputy superintendent is employed in such county in addition to the actual traveling expenses of such deputy made necessary by such appointment. The county shall also stand its proportionate share of the actual cost of the set of copies to be used in such county by such deputy, at the rate of one-twelfth of the cost thereof for every month such copies are employed therein during the first year of their use, and in that event such county may at any time pay the balance of the cost of such copies and become the owner thereof, or the county may pay rental to the state for the use of such copies at the rate of ten per cent per annum of the cost price thereof.

Office of  
sealer of  
weights and  
measures  
created

Compensation

Deputies

Failure to  
appoint.

SEC 6. Section thirty-two of said act is hereby amended to read as follows:

Penalty for using false weights and measures.

Sec 32. Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or shall offer or expose for sale, or sell except as heretofore specifically allowed in section twenty-seven of this act, or use or retain in his possession any weight or measure or weighing or measuring instrument in any county, city, town, or city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this act, which has not been sealed by a sealer within one year, or who shall dispose of any condemned weight or measure, or weighing or measuring instrument contrary to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale or use or have in his possession for the purpose of selling or using any device or instrument to be used to or calculated to falsify any weight or measure, and any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than the true net weight, or true net measure thereof, or in a less quantity than he represents it to be or contain, shall be guilty of a misdemeanor. Possession of such false weights or measures or weighing or measuring instruments shall be prima facie evidence of the fact that they were intended to be used in the violation of law.

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## CHAPTER 669.

*An act to amend section six hundred twenty-six of the Penal Code of the State of California, relating to the protection of fish and game.*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Section six hundred twenty-six of the Penal Code of the State of California is hereby amended to read as follows:

Protection of ducks, geese, etc.

626 Every person who, between the first day of February and the fourteenth day of October, inclusive, of any year, hunts, pursues, takes, kills or destroys, or has in his possession, any kind of wild duck, or goose, or brant, or mudhen, or gallinule, or Wilson snipe, or black breasted or golden plover, or yellowlegs; or who, at any time, takes, kills or destroys, or has in his possession, any rail, or wood duck, or wild pigeon, or any shore birds, except Wilson snipe, black breasted plover, or golden plover, or yellowlegs, or any sandhill crane, whooping

crane or little brown crane; or who, between the first day of <sup>Quail</sup> January and the fourteenth day of October, inclusive of any year, hunts, pursues, takes, kills or destroys, or has in his possession, any desert or valley quail, or cottontail or bush rabbit; or who, between the first day of December and the thirty-first day of August, inclusive of the following year, hunts, pursues, takes, kills or destroys or has in his possession any mountain quail, grouse, or sagehen; *provided*, that in fish and game districts numbers two, three, four, and any fish and game districts lying between the northern boundary of Mendocino county and the southern boundary of San Diego county, every person, who, between the first day of January and the fourteenth day of October, inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any grouse or mountain quail is guilty of a misdemeanor; *provided, fur- Rabbits* *ther*, that nothing in this section shall prohibit the killing or pursuing of any cottontail or bush rabbit by the owner or tenant of any premises, or by any person authorized in writing by such owner or tenant, but the rabbits so killed shall not be shipped or sold during the closed season.

CHAPTER 670.

*An act to amend section six hundred twenty-six f of the Penal Code of the State of California, relating to the protection of fish and game.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-six f of the Penal Code of the State of California is hereby amended to read as follows:

626f. Every person who, between the fifteenth day of October and the fourteenth day of August, inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor, except as hereinafter provided; *provided*, that every person in game districts two and three of the State of California, who, between the fifteenth day of September and the thirty-first day of July, inclusive, of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat is guilty of a misdemeanor; *provided, further*, that every person in game district four of the State of California, who, between the first day of October and the thirty-first day of August, inclusive, of the year following, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or <sup>Protection of deer</sup>

Reindeer  
 killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor; *provided, further, that domesticated reindeer may be imported and sold, subject to such regulations as may be required by the fish and game commission.*

## CHAPTER 671.

*An act to amend section five hundred thirty-one of the Political Code, relating to the duties of the superintendent of state printing.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section five hundred thirty-one of the Political Code is hereby amended to read as follows:

Duties of  
 superin-  
 tendent of  
 state  
 printing

531 The duties of the superintendent of state printing shall be as follows: He shall have the entire charge and superintendence of the state printing and binding. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, bound, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the senate or assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received; and when the work shall have been executed, he shall deliver the finished sheets or volumes to the sergeant-at-arms of the senate or assembly, or of any department authorized to receive them, whose receipt therefor shall be a sufficient voucher to the said superintendent of state printing for their delivery. He shall receive and promptly execute all orders for printing or binding required to be done for the various state officers.

May decline  
 order

*Provided, that the said superintendent of state printing shall have discretionary authority to revise, reduce, or decline to execute any order, or part of any order, which in his judgment is unnecessary or unwarranted by law, and which will tend to unnecessarily consume the appropriation for support of the state printing office; and provided, further, that in the event of any state officer, board, commission, or state institution shall consider the decision of the said superintendent of state printing unfair, he may refer the matter to the state board of control, which board shall determine the matter. He shall employ such compositors, bookbinders, pressmen and assistants as the exigency of the work from time to time requires, and may at any time discharge such employees*

Pay of  
 compositors,  
 etc

*Provided, that at no time shall he pay said compositors, bookbinders, pressmen or assistants a lower rate of wages than the average wage paid by those employing such mechanics in Sacramento, San Francisco, Oakland and Los Angeles for*

like work. He shall at no time employ more compositors, bookbinders, pressmen or assistants than the absolute necessities of the state printing may demand, and he shall not permit any other than state work to be done in the state printing office.

The superintendent of state printing shall, on or before the fifteenth day of September of each year, make a report, in writing, to the governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show in detail all the items of expense attending the state printing and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed, biennially, for the use of the legislature.

CHAPTER 672.

*An act to amend section six hundred twenty-six d of the Penal Code of the State of California, relating to the protection of fish and game.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-six d of the Penal Code of the State of California is hereby amended to read as follows:

626d. Every person who, during any one calendar day, hunts, takes, kills, pursues or destroys, or has in his possession, more than twenty-five wild geese (except honker geese and black sea brant) or wild ducks, or more than twelve honker geese or black sea brant, or more than fifteen desert or valley quail, or doves or black breasted and golden plover or jack snipe or yellowlegs, or more than ten mountain quail, or more than four grouse, or more than four sage hens, or more than fifteen cottontail or bush rabbits, is guilty of a misdemeanor; *provided, also*, that any person who, between sunrise of one Sunday and sunrise of the following Sunday, takes, kills, destroys or has in his possession, or buys or sells or offers for sale, or ships or offers for shipment, more than fifty wild geese (except honker geese, black sea brant) or more than fifty wild ducks or more than twenty-four honker geese or black sea brant, is guilty of a misdemeanor: *provided, further*, that any person who, between sunrise of one Sunday and sunset of the following Sunday, takes, kills, destroys or has in his possession, or ships, or offers for shipment, more than thirty valley or desert quail, jack snipe, yellowlegs, golden plover, or black breasted plover, or more than twenty mountain quail, or more than eight grouse, or more than eight sage hens, or more than thirty cottontail or bush rabbits is guilty of a misdemeanor.

## CHAPTER 673.

*An act to amend section six hundred twenty-eight a of the Penal Code of the State of California, relating to the protection of fish.*

[Approved June 8, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-eight a of the Penal Code of the State of California is hereby amended to read as follows:

Protection  
of bass

Shad

628a. Every person, who at any time, buys, sells, offers for sale or has in his possession any striped bass of less than three pounds in weight, or who, except with hook and line and in the manner commonly known as angling, takes, catches, kills or has in his possession any striped bass or shad between the twenty-fifth day of September and the fourteenth day of November inclusive, of any year, or who, between the twenty-fifth day of September and the fourteenth day of November, inclusive, takes, catches, kills or has in his possession more than five striped bass or shad, or who between the twenty-fifth day of September and the fourteenth day of November, inclusive, buys, sells, offers for sale, ships or offers for shipment or receives for shipment or transportation any striped bass, or who at any time, offers for shipment, ships or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any striped bass is guilty of a misdemeanor. Every person who takes any striped bass or shad in a net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine, for the purpose of taking or catching any shad or striped bass in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor; *provided, however*, that nothing in this section shall prohibit any person from having in his possession, at any time, not more than five striped bass of less than three pounds each in weight, caught with hook and line, but such fish shall not be bought, sold or offered for sale, or shipped or offered for shipment. Every person who violates any of the provisions of this section is guilty of a misdemeanor.

Limit.

CHAPTER 674.

*An act to amend sections twenty-eight and thirty-five of an act entitled, "An act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.*

[Approved June 8, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section twenty-eight of an act entitled, "An act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," is hereby amended to read as follows:

Sec 28. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in ten series as follows, to wit: On the first day of January, after the expiration of eleven years, five per cent of the whole number of said bonds; on the first day of January after the expiration of twelve years, six per cent; on the first day of January after the expiration of thirteen years, seven per cent; on the first day of January after the expiration of fourteen years, eight per cent; on the first day of January after the expiration of fifteen years, nine per cent; on the first day of January after the expiration of sixteen years, ten per cent; on the first day of January after the expiration of seventeen years, eleven per cent; on the first day of January after the expiration of eighteen years, thirteen per cent; on the first day of January after the expiration of nineteen years, fifteen per cent; and on the first day of January after the expiration of twenty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at the rate of six per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed and the bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were signed by authority of this act, stating its title and

Drainage district bonds payable in ten series

Interest.

Denomination.

Coupons.

date of approval, and shall also so state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

SEC. 2. Section thirty-five of said act is hereby amended to read as follows:

When  
payable

SEC. 35. If said bonds are directed to be issued as herein provided for the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond, each being wholly payable when due. Said bonds shall bear interest at the rate of six per cent per annum, payable semiannually on the first day of January and July of each year. They shall be negotiable in form and shall be of denominations of not less than one hundred dollars nor more than five hundred dollars. Said bonds shall in all respects conform to the form of bonds prescribed hereinbefore.

#### CHAPTER 675.

*An act empowering the legislative body of any city or municipal corporation to abandon proceedings taken under an act entitled, "An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, and referred to as the "street improvement act of 1909."*

[Approved June 8 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

Abandon-  
ment of  
street  
improvement  
proceedings

SECTION 1. The legislative body of any city or municipal corporation is hereby empowered to abandon at any time by ordinance or resolution any proceedings taken under an act entitled "An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, and referred to as the "street improvement act of 1909," and to do all things necessary to restore to all parties involved whatever is justly and equitably due to them in the premises, on such abandonment.

CHAPTER 676.

*An act to amend sections four, five and six of an act, entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911.*

[Approved June 8, 1915 In effect August 8, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section 4 of an act of the legislature of the State of California, entitled, "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof" approved May 1, 1911, is hereby amended to read as follows:

Sec. 4. The city of San Diego may lease for a term not exceeding fifteen years any wharves, docks, piers, or bulkhead piers constructed by it, and may grant franchises or privileges for wharves, docks, piers or bulkhead piers to be erected by others than said city for a term not exceeding fifteen years, except as otherwise hereinafter provided in section 5, and all such leases, franchises or privileges shall be authorized by ordinance of said city and shall reserve to the common council and the people of the city of San Diego the right and privilege by ordinance of said city to annul, change or modify such leases, franchises and privileges as in their judgment may seem proper upon paying said lessee or holder of said franchise or privilege reasonable compensation for damages occasioned by such modifications, amendments, or repeal. The aggregate amount of all wharves, docks, piers, or bulkhead piers, leased by said city after construction by it shall never exceed seventy-five per cent of all the wharves, docks, piers or bulkhead piers actually constructed by it.

San Diego may lease wharves

Not to exceed 75 per cent

SEC. 2. Section 5 of said above entitled act is hereby amended to read as follows:

Sec. 5. The city of San Diego may lease lands granted and conveyed to it by this act under the following restrictions and conditions:

Restrictions on land leases

(a) All that portion of the said lands lying on the shores of the bay of San Diego, between a prolongation into the bay of San Diego of the south line of Laurel street and the prolongation into the bay of San Diego of the northerly line of the United States military reservation on Point Loma, and also that portion of said lands lying between a prolongation into the bay of San Diego of the easterly line of Twenty-eighth street, and a prolongation into the bay of San Diego, of the

Term of 50 years

boundary line between the city of San Diego and the city of National City, which shall not have been developed or improved by the city of San Diego at the date of such leasing may be leased by the said city in such areas as, in the judgment of the common council of said city of San Diego, may seem proper, and for a term not to exceed fifty years; *provided, however*, that said city may have the right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases. Every such lease shall provide for the payment of rentals to the city of San Diego, which said rentals shall be either an agreed per cent of the gross earnings derived from the leased lands, or shall be fixed upon a basis of the valuation of such lands. In the event that the rental is an agreed per cent of the gross earnings, the lease shall provide a method for ascertaining and determining from time to time during the term, such gross earnings. In the event that the rentals shall, by any such lease, be provided to be fixed upon the basis of the valuation of the leased lands, then in such event the lease shall provide a method for ascertaining at stated periods during the term, the reasonable value of the leased lands, and in all cases in which the rental is provided to be fixed upon the basis of the valuation of the leased lands, then in such event the lease shall provide a method for ascertaining at stated periods during the term, the reasonable value of the leased lands, and in all cases in which the rental is provided to be fixed upon the basis of the value of the leased lands, the lease shall provide for the payment of a certain per cent of such value ascertained in the manner provided by the lease, and such per cent shall be the rental to be paid until a different valuation is fixed; *provided, however*, that there shall be no revaluation of any leased lands for the purpose of fixing the rentals oftener than once every ten years. Said leases shall also provide that at no time during their terms shall the said city of San Diego be required to make any improvements on or for the benefit of the leased lands. The lessees named in such leases shall have the right to sublet the said lands, or any part thereof, which sub-leases shall be subject to the same conditions and restrictions as the original and each lease executed by the city shall contain provisions to this effect. The said city of San Diego may grant wharf franchises for wharves adjoining and extending into the bay from the above mentioned territory for terms, not to exceed in duration the terms of the leases on the adjacent lands, and the right to regulate and control the waters of the harbor adjacent to said leased land and to fix reasonable rates and tolls for the use of such wharves and docks abutting or adjoining such leased lands, shall be reserved to the city of San Diego and the State of California. Said lease or leases shall provide that a sum of money be expended upon the improvement of said lands by the said lessee or lessees within a

Rentals

Revalu-  
ations.Right to  
subletImprove-  
ments by  
lessees

reasonable time and said lease or leases shall contain provisions fixing the amount of money to be so expended and the time within which it shall be spent. The city may place such further restrictions or conditions in such leases and franchises when granted as do not conflict with the terms of this act and all grants of leases or franchises shall be authorized by ordinance.

(b) All the remaining portions of the said lands may be leased for a term not to exceed twenty-five years with a right reserved to the city to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases at the expiration of said term or to renew such lease for a further term not to exceed twenty-five years, and no such lease shall be for a larger area than forty acres, and such leases shall not be assignable or transferable nor shall any lessee have the right to sublet the leased premises or any part thereof, without the consent of the common council by ordinance duly adopted, and all such leases so executed shall reserve to the common council and the people of the city of San Diego the right and privilege by ordinance to annul, change, or modify such leases as in their judgment may seem proper upon paying to said lessee reasonable compensation for damages occasioned by such annulment, change or modification.

Term of 25 years

(c) The city of San Diego shall reserve over the lands mentioned in sections (a) and (b) a continuous right of way for a municipal belt line of railway tracks which right of way shall be not less than one hundred feet in width and shall be so located as to practically parallel the United States bulkhead line, and no lease, franchise or privilege shall be granted upon any of the lands mentioned in said sections (a) and (b) that will in any way interfere with said right of way unless there be reserved in said lease, franchise or privilege to the city a right of way for said railroad of not less than one hundred feet in width.

Right of way reserved

SEC. 3. Section 6 of said above entitled act is hereby amended to read as follows:

Sec. 6. The foregoing conveyance is made upon the condition that the city of San Diego, shall, within twelve months from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than one million dollars, and shall within eighteen months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one million dollars shall be expended thereon within five years from the original approval of this act exclusive of the time in this

Improvement bonds to be issued

section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean going vessels of the largest class, and a depth of water shall be obtained and maintained at the piers of not less than thirty-five feet. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of San Diego shall revert to the State of California.

## CHAPTER 677.

*An act to amend an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897, by amending section nineteen thereof, relating to elections held in such districts.*

[Approved June 8, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 19 of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897, is hereby amended to read as follows:

Sec. 19. An election shall be held in each irrigation district on the first Wednesday in February, eighteen hundred and ninety-nine, and on the first Wednesday in February in each second year thereafter, at which an assessor, a collector, and a treasurer, and directors for the district shall be elected. The person receiving the highest number of votes for the office to be filled at such election shall be elected thereto. The assessor, collector, and treasurer shall each hold office from the first Tuesday in March next after, for two years, and until his successor is elected and qualified. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the board of directors; *provided*, that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's

Irrigation  
district  
officers to be  
elected

Official  
bonds

bond not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount thereof not to be less than five thousand dollars. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers; *provided*, that in case any district organized under this title is appointed fiscal agent of the United States or by the United States is authorized to make collections of moneys for and on behalf of the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties.

If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the electors residing within the boundaries of any such irrigation district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition.

If election  
be not held

CHAPTER 678.

*An act declaring the county road extending from Auburn, State of California, in an easterly direction to a point near Emigrant Gap, a state highway and making an appropriation for the improvement thereof.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The county road extending from Auburn, Placer county, State of California, in an easterly direction and connecting with the Emigrant Gap state road at a point near Emigrant Gap, California, is hereby declared to be a state highway and placed under the management and control

Road from  
Auburn to  
Emigrant  
Gap declared  
state  
highway

of the department of engineering, and it shall be the duty of the said department to locate, survey, construct and reconstruct the same with such variations as will, in the opinion of the said department, be advisable.

Rights of  
way.

SEC. 2. The said department is authorized and directed to take such steps as may be necessary to acquire for the state all rights of way, roads, culverts, bridges, quarries, timber and tools machinery and appliances necessary to the construction and improvement of the said highway; *provided, however*, that no public corporation or political subdivision of the state shall receive any compensation on account of the said road.

Appropriation.

SEC. 3. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the improvement of the said state highway, the said sum to be available on and after September 1, 1915, and to be expended under the direction of the department of engineering.

#### CHAPTER 679.

*An act appropriating two thousand dollars for the restoration and rebuilding of the old Greek chapel at Fort Ross, Sonoma county, California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation  
restoration  
Greek chapel  
at Fort Ross

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars for the restoration and rebuilding of the old Greek chapel at Fort Ross, Sonoma county, California, the said money to be expended and paid out under the direction and control of the commissioners in charge and control of said old Greek chapel.

#### CHAPTER 680.

*An act making an appropriation for the location, survey and construction of a state highway from Tahoe city, Placer county, along the northern boundary of Lake Tahoe to the western boundary of the state of Nevada at Crystal bay in Placer county.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation  
survey,  
highway  
from Tahoe  
city to  
Crystal Bay

SECTION 1. For the location, survey and construction of a state highway from Tahoe city, Placer county, along the northern boundary of Lake Tahoe to the western boundary of the state of Nevada at Crystal bay, in Placer county, there is hereby appropriated out of any money in the state treasury,

not otherwise appropriated, the sum of three thousand dollars, contingent upon the appropriation by the county of Placer of a like sum for the same purpose.

SEC. 2. The work of locating, surveying and constructing said highway is hereby placed under the management and control of the state department of engineering.

SEC. 3. The state controller is hereby directed to draw his warrants in such amounts and at such times as said engineer may present claims therefor, and the state treasurer is directed to pay the same.

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CHAPTER 681.

*An act to provide readers for blind students in the University of California, and to assist deaf students attending the National College for the Deaf at Washington, D. C., and making an appropriation therefor.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended under the supervision of the board of directors of the California School for the Deaf and the Blind, during the biennial period ending June 30, 1917, in providing readers for blind persons who shall be residents of the State of California and graduates of the California School for the Deaf and the Blind, and who shall regularly matriculate in, and work for a degree in the University of California; and in defraying the expenses of deaf persons who shall be citizens of the State of California, and graduates of the California School for the Deaf and the Blind, taking a collegiate course of instruction in the National College for the Deaf at Washington, D. C.; *provided, however,* that no more than three hundred dollars shall be expended for any one student during any one school year.

Appropriation readers for blind students.

Expenses of deaf students.

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CHAPTER 682.

*An act to amend the Political Code by changing the headings of the title to chapter II of title V of part III of said Political Code; also by changing the headings of the title to article I of chapter II of title V of part III of said Political Code; and to repeal section two thousand two hundred thirty-six of said Political Code; and to amend sections two thousand two hundred thirty-eight, two thousand two hundred thirty-nine and two thousand two hundred forty of said Political Code; and to repeal sections two thousand two hundred forty-one and two thousand two hundred forty-two of said Political Code;*

*and to amend section two thousand two hundred forty-three of said Political Code; and to amend said Political Code by changing the headings of the title to article II of chapter II of title V of part III of said Political Code; and to amend sections two thousand two hundred fifty-four and two thousand two hundred fifty-five of said Political Code; and to repeal section two thousand two hundred fifty-six of said Political Code; and to amend said Political Code by changing the headings of article III of chapter II of title V of part III of said Political Code; and to amend sections two thousand two hundred sixty-seven and two thousand two hundred sixty-eight of said Political Code; and to repeal section two thousand two hundred sixty-nine of said Political Code; and to amend said Political Code by changing the headings of article IV of chapter II of title V of part III of said Political Code; and to amend section two thousand two hundred eighty of said Political Code; and to repeal section two thousand two hundred eighty-one of said Political Code, all relating to the California School for the Deaf and the Blind.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Chapter  
headings  
amended

SECTION 1. The headings of the title of chapter II of title V of part III of the Political Code are hereby amended to read as follows:

CHAPTER II.

CALIFORNIA SCHOOL FOR THE DEAF AND THE BLIND.

- Article I. General provisions Sec. 2237-2244.
- Article II. Board of directors Sec. 2254-2257.
- Article III. Principal. Sec. 2267-2270.
- Article IV. Treasurer. Sec. 2280-2282.

SEC 2. The headings of the title of article I, chapter II, of title V of part III of the Political Code are hereby amended to read as follows:

ARTICLE I.

GENERAL PROVISIONS

- Section 2237. Object and name.
- 2238. Who entitled to its benefits.
- 2239. Same.
- 2240. Clothing, transportation and maintenance of pupils.
- 2243. Salaries, how paid.
- 2244. Approval and filing of official bond.

SEC. 3. Section two thousand two hundred thirty-six of the Political Code is hereby repealed.

SEC. 4. Section two thousand two hundred thirty-eight of the Political Code is hereby amended so as to read as follows:

Education  
of deaf  
and blind

2238. Every deaf or blind person resident of this state, of suitable age and capacity, is entitled to an education in this school free of charge.

SEC. 5. Section two thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

2239. Such persons not resident of this state are entitled to the benefits of this school upon paying to the treasurer thereof eighty-five dollars quarterly in advance. Non-residents

SEC. 6. Section two thousand two hundred forty of the Political Code is hereby amended to read as follows:

2240. If the parent or guardian of any pupil in this school shall be unable to clothe such child, or pay for its transportation to and from the school, the parent or guardian may testify to such inability before a judge of the superior court of the county wherein such parent or guardian of such child is resident, and if the judge is satisfied that the parent or guardian is unable to provide suitable clothing or transportation for the child, he shall issue a certificate to that effect. All moneys expended under the authority of such certificate, as hereinafter provided, shall constitute a legal county charge against the county from which such certificate is issued. Such certificate shall be presented to the directors of said school and it shall be the duty of said directors to clothe said child and provide such transportation, the expense thereof to be advanced by said directors out of the moneys appropriated for the support of the school. Upon presentation to the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the principal of the school before an officer authorized to administer oaths, for the expense for clothing and transportation provided and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon issue a warrant for the amount thereof payable to said school, and the county treasurer shall pay the same. All pupils in the school shall be maintained, except as hereinbefore provided, at the expense of the state. When parents are unable to clothe children

SEC. 7. Section two thousand two hundred forty-one of the Political Code is hereby repealed. Repealed

SEC. 8. Section two thousand two hundred forty-two of the Political Code is hereby repealed. Repealed

SEC. 9. Section two thousand two hundred forty-three of the Political Code is hereby amended to read as follows:

2243. The salaries mentioned in this chapter must be paid monthly out of the money appropriated for the support of the school. Payment of salaries

SEC. 10. The headings of the title to article II of chapter II of title V of part III of the Political Code are hereby changed to read as follows:

ARTICLE II.

BOARD OF DIRECTORS.

- Section 2254 Under control of board of directors.
- 2255. Powers and duties of board
- 2257 Directors to receive no salary.

SEC. 11. Section two thousand two hundred fifty-four of the Political Code is hereby amended to read as follows:

2254. The school is under the management and control of a board of directors consisting of five persons, appointed and Management of school

holding their office as provided in title one of part three of this code.

SEC. 12. Section two thousand two hundred fifty-five of the Political Code is hereby amended to read as follows:

Powers and  
duties of  
board

2255. The powers and duties of the board are as follows:

*One*—To make by-laws not inconsistent with the laws of the state, for their own government and the government of the school.

*Two*—To elect a principal.

*Three*—To elect a treasurer who shall not be a member of the board of directors.

*Four*—To remove at pleasure any officer, teacher or employee.

*Five*—To fix the compensation of all officers, teachers and employees.

*Six*—To keep a record of their proceedings.

*Seven*—To report to the governor a statement of the receipts and expenditures, the condition of the school, the number of pupils, and such other matters concerning the school as they deem advisable.

Repealed

SEC. 13. Section two thousand two hundred fifty-six of the Political Code is hereby repealed.

SEC. 14. The headings of article III of chapter II of title V of part III of said Political Code are hereby changed to read as follows:

### ARTICLE III.

#### PRINCIPAL.

Section. 2267. Qualifications.  
2268. Powers and duties.  
2270. Bond.

SEC. 15. Section two thousand two hundred sixty-seven of the Political Code is hereby amended to read as follows:

Qualifica-  
tions of  
principal

2267. The principal must have not less than three years' experience in the art of teaching the deaf, dumb and blind.

SEC. 16. Section two thousand two hundred sixty-eight of the Political Code is hereby amended to read as follows:

Powers and  
duties

2268. He is the chief executive officer of the school with powers and duties as follows:

1. To superintend the grounds, buildings and property of the school.

2. With the consent of the board of directors to fix the number of and appoint and remove the teachers and employees.

3. To prescribe and enforce the performance of the duties of the teachers and employees.

4. To control the pupils and prescribe and enforce a system of instruction.

5. To reside at the school.

6. To keep a record of his official acts and to make such report thereof to the board of directors as may be prescribed by the by-laws.

7. To make up his annual accounts to the first of July in each year, and as soon thereafter as possible report a statement thereof, and of the condition of the school to the board of directors.

SEC. 17. Section two thousand two hundred sixty-nine of the Political Code is hereby repealed

SEC. 18. The headings of article IV of chapter II of title V of part III of said Political Code are hereby changed to read as follows:

ARTICLE IV.

TREASURER.

Section 2280. Duties of.  
2282 Bond.

SEC. 19. Section two thousand two hundred eighty of the Political Code is hereby amended to read as follows:

2280. It shall be the duty of the treasurer:

Treasurer's  
duties

1. To act as secretary of the board of directors.
2. To keep the accounts of the board, and of the receipts, expenditures, assets and liabilities of the school.
3. To report monthly to the board a statement of the receipts and expenditures of the preceding month.
4. To perform such other duties as may be required of him by the by-laws or the board of directors.

SEC. 20. Section two thousand two hundred eighty-one of the Political Code is hereby repealed.

CHAPTER 683.

*An act to add two new sections to the Political Code of the State of California, to be numbered two thousand six hundred ninety-seven and two thousand six hundred ninety-eight, relating to the abandonment of highways.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Two new sections are hereby added to the Political Code of the State of California, to be numbered two thousand six hundred ninety-seven and two thousand six hundred ninety-eight and to read as follows:

2697. Any ten freeholders, two of whom must be residents of the road district in which some part of the property affected is situated, and who are taxable therein for road purposes, may petition the board of supervisors in writing to vacate, discontinue, abandon and abolish any public highway, road, street, avenue, alley, lane or place.

Petition to  
abandon  
highway

2698. Upon filing such petition, the board of supervisors must by order, fix a day for hearing the same and give notice to all freeholders in said road district of the time and place fixed for the hearing of said petition, by publication in some newspaper published in the county, to be designated in said order by the board of supervisors, for at least two successive weeks prior to the day fixed for said hearing. A similar notice shall also be posted conspicuously along the line of the

Hearing on  
petition

proposed vacation. The board of supervisors must on the day fixed for the hearing, or on the day to which such hearing may be postponed or continued, hear the evidence offered by any party interested and if it shall appear from all the evidence submitted that any highway, road, street, avenue, alley, lane or place described in the petition or any part thereof is unnecessary for present or prospective public use, the board of supervisors may thereupon make its order vacating, discontinuing, abandoning or abolishing such highway, road, street, avenue, alley, lane or place or such part thereof as may be found to be unnecessary for present or prospective public use and the public easement theretofore existing shall thereupon cease and determine and the title to the land previously subject thereto shall revert to the respective owners thereof free from such public easement. A certified copy of said order attested by the clerk under the seal of said board of supervisors must be recorded in the office of the recorder of said county.

#### CHAPTER 684.

*An act to amend section four thousand two hundred fifty-eight of the Political Code, relating to salaries and fees of officers and to the fees to be allowed trial and grand jurors of counties of the twenty-ninth class.*

[Approved June 9, 1915. In effect—see sections 1, 2, 4, 6, 7, 8, 11, 13.]

*The people of the State of California do enact as follows:*

SECTION 1 Section four thousand two hundred fifty-eight of the Political Code is hereby amended to read as follows:

4258. In counties of the twenty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County clerk 1. The county clerk, three thousand five hundred dollars per annum and such fees as are now or may be hereafter allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one hundred dollars per month and who shall be appointed by the county clerk. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid. The provisions of this section to apply to the present incumbent.

Sheriff 2. The sheriff, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff one jailer at a salary of fifty dollars per month and who shall be appointed by the sheriff. The salary of said jailer herein provided for shall be paid by said county

in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. The provisions of this section to apply to the present incumbent.

3. The recorder, thirty-five hundred dollars per annum. Recorder

4. The auditor, two thousand dollars per annum; *provided*, Auditor. that in counties of this class there shall be and there is hereby allowed to the auditor one clerk, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the auditor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this section to apply to the present incumbent.

5. The treasurer, eighteen hundred dollars per annum. Treasurer.

6. The tax collector, fifteen hundred dollars per annum; *provided*, Tax collector. that in counties of this class there shall be and there is hereby allowed to the tax collector during the months of April, May, September, October, November and December of each year, one clerk, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the tax collector. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and the same manner and out of the same fund as the salary of the tax collector is paid. The provisions of this section to apply to the present incumbent.

7. The assessor, four thousand dollars per annum; *pro-* Assessor  
*vided*, that in counties of this class there shall be and there is hereby allowed to the assessor one clerk, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the assessor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the assessor is paid. The assessor may also appoint five field clerks, which offices of field clerks are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commission fees or compensation for the collection of taxes on personal property, for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the

county treasury and no part thereof shall be retained by him as a part of his compensation. The provisions of this section to apply to the present incumbent.

District  
attorney.

8. The district attorney, two thousand dollars per annum, and he is hereby allowed in addition thereto one clerk to be appointed by him, who shall receive nine hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. The provisions of this section to apply to the present incumbent.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-  
trator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, two thousand dollars per annum and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one clerk, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. The provisions of this section to apply to the present incumbent.

Surveyor.

12. The county surveyor, such fees as are now or may hereafter be allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided, further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

Justices of  
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is thirty-five hundred, or more, seventy-five dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is twenty-five hundred, or more, and less than thirty-five hundred, fifty dollars per month; in townships where the population is fifteen hundred, or more, and less than twenty-five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than fifteen hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; *provided*, that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, further*, that for the purpose

of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three. This subdivision shall become operative and take effect immediately; it being the intention of this act to have the salaries hereinabove mentioned take effect during the terms of the present officers.

14. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. Constables.

15. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of twelve hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat. Supervisors

16. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases, jurors shall receive for each day's attendance per day, the sum of two dollars. In justices' courts in criminal cases, jurors shall receive for each day's attendance per day the sum of two dollars. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile. Such mileage to be allowed but once during any session of the court where such jurors serve: *provided*, that the fees of all trial jurors in civil cases, shall be paid by the litigants as other costs are paid. Jurors

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#### CHAPTER 685.

*An act making an appropriation to pay the claim of W. H. Taylor against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of twenty-eight dollars and fifty cents, to pay the claim of W. H. Taylor against the State of California. Appropriation claim,  
W. H. Taylor.

## CHAPTER 686.

*An act to amend sections one, three, five, six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and one-half, seventeen and eighteen of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24th, 1911, as amended by an act approved May 26th, 1913, and to add twelve new sections to said act to be numbered twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one, relating to the organization, powers and duties of said reclamation board, and creating a revolving fund and appropriating money therefor.*

[Approved June 9, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June twenty-seventh, one thousand nine hundred eleven, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December twenty-fourth, one thousand nine hundred eleven (as heretofore amended), is hereby amended to read as follows:

Section 1. The report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, one thousand nine hundred eleven, with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board, is hereby approved as a plan for controlling the flood waters of the Sacramento river and San Joaquin river and

Report of  
commission  
adopted.

their tributaries, for the improvement and preservation of navigation and the reclamation and protection of the lands that are susceptible to overflow from said rivers and their tributaries.

SEC. 2. Section three of said act is hereby amended to read as follows:

Sec. 3. The state engineer is hereby directed to procure data and make surveys and examinations upon said rivers and tributaries and the adjacent overflow basins for the purpose of perfecting the plans contained in the report mentioned in section one of this act, and making additional plans for the San Joaquin and Sacramento rivers and their tributaries, and to make a report thereof to the reclamation board. He shall advise and assist the reclamation board, and shall be reimbursed by said board for any necessary expenses incurred by him under the directions of the board. He may at his option appoint the chief engineer of the reclamation board to act also as his assistant in the performance of the duties required of him by this section; in which case the compensation of said chief engineer while acting also as such assistant to the state engineer shall be apportioned as may be agreed upon between the reclamation board and the state engineer. All maps, records and engineering data prepared or obtained by the state engineer for the use of the reclamation board shall be deposited in the office of said board and remain part of its records.

State engineer to make surveys.

Expenses.

SEC 3. Section five of said act is hereby amended to read as follows:

Sec. 5. The management and control of said drainage district shall be vested in the reclamation board which shall hereafter consist of seven members. The members of the present reclamation board shall be members of the board as hereby enlarged. The remaining members shall be appointed by the governor of the state within thirty days after this act shall take effect. All the members, whether herein named or appointed by the governor, shall hold office at the pleasure of the governor. In case of a vacancy, the same shall be filled by the governor of the state.

Management of district.

SEC. 4. Section six of said act is hereby amended to read as follows:

Sec. 6. The reclamation board shall appoint a secretary, who may be a member of the board, and may appoint a general manager, a chief engineer and an assistant secretary, and may employ an attorney for the board and such assistant engineers, consulting engineers, special attorneys and other assistants, employees and advisers as may appear necessary to said board and shall fix their compensation. The compensation of any attorney or engineer employed by the board may be fixed at a monthly rate of compensation, or fees for special services rendered, or both. The secretary, assistant secretary, general manager, chief engineer and two assistant engineers, all consulting engineers, the attorney for the board, and all

Secretary, etc.

Compensation.

special attorneys employed by the board, and such employees as may be otherwise exempted by law, shall be exempt from the provisions of the civil service laws of this state.

SEC. 5. Section seven of said act is hereby amended to read as follows:

State's  
interest  
supreme.

Sec 7. The State of California and the people thereof are hereby declared to have a primary and supreme interest in having erected, maintained and protected on the banks of the Sacramento and San Joaquin rivers and their tributaries and the by-passes and overflow channels and basins mentioned herein, good and sufficient levees and embankments or other works of reclamation, adequately protecting the lands overflowed or subject to overflow by said streams, and confining the waters of said rivers, tributaries, by-passes and overflow channels and basins within their respective channels and boundaries, and it shall be the duty of the reclamation board at all times to enforce on behalf of the State of California and the people thereof the erection, maintenance and protection of such levees, embankments and channel rectification as will, in their judgment, best serve the interests of the State of California. The purposes and objects of this act are to carry into effect the plans of the California debris commission with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board for the control of the flood waters of the Sacramento and San Joaquin rivers and their tributaries and said basins, and to vest in said reclamation board control and jurisdiction over said plans and such other plans as may be adopted by said board, excepting such portions of said plans as relate to channel excavation, enlargement, rectification and control in the Sacramento river and the construction of weirs; it being the intent of this act that all work and control in the said stream and the construction of weirs shall remain with the United States and the State of California, concurrently, but this exception does not apply to the San Joaquin river and its tributaries

Purpose  
of act

Construction  
of act

This act and every part thereof shall be liberally construed to promote its objects and to carry out its intents and purposes

SEC. 6. Section nine of said act is hereby amended to read as follows:

Office of  
board

Sec 9 The reclamation board shall have its office at the city of Sacramento, which shall be the principal place of business and legal residence of said board and of the said Sacramento and San Joaquin drainage district. The reclamation board shall elect one of its members as president, and may also elect another of its members as vice president who shall have the powers and perform the duties of the president during his absence or inability to act or at his request or when so authorized by the board. The regular

President

meetings of said board shall be held at such times as shall be fixed by the board, and a majority of the board shall constitute a quorum, but no action of said board shall be effective unless the same shall be concurred in by a majority of the members thereof. Special meetings of the board may be called at any time by the president or by a majority of the members upon notice by mail or telegraph to each member at his place of residence or business, and there received at least twelve hours before the hour fixed for such meeting. Any other meeting of the board, at its office, when all of the members are present, shall be considered a legal meeting at which any business may be transacted. It shall be the duty of the reclamation board to keep full and correct minutes of all proceedings and transactions of all meetings of the board, which minutes shall be open for public inspection during office hours. Each member of the board shall receive the necessary expenses incurred by him in the performance of his duties, and twenty dollars for each day attending the meetings of the board, but such per diem shall not exceed one thousand dollars in any one year. The reclamation board shall have a seal of such device as said board may adopt, and any seal heretofore adopted by the reclamation board shall be the seal of said board, and said seal shall also be the seal of the said Sacramento and San Joaquin drainage district. A copy of any record of said board, when certified by its secretary or assistant secretary to be a true copy thereof, and attested by the seal of the board, shall be prima facie evidence of the existence and contents of such record. For making a copy of any record of said board to which any person may be entitled by law, or which may be made at the request of any person, the reclamation board may charge and collect the actual reasonable cost of making such copy, including the time of its employees and materials used, and one dollar for the certificate thereto, if a certified copy be requested, and may require a deposit in advance sufficient to cover such charges. All money so collected shall be paid monthly to the state treasurer and be by him credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of said board.

Meetings

Minutes

Compensation

Copy of records

SEC. 7. Section ten of said act is hereby amended to read as follows:

Sec. 10. Whenever so required and notified by the reclamation board it shall be the duty of the owner of and of the person or corporation maintaining or operating any railroad, electric railroad, wire line, wagon road or other structure crossing any of the by-passes or overflow channels herein provided for, to provide and maintain one or more suitable draws or other appliances within any such by-passes or overflow channels to permit the passage of watercraft, dredgers or other machines used in the construction of reclamation works, and to open said draws or appliances upon reasonable notice given by any person desiring to pass the same and payment of a fee

Draw bridges

of fifty dollars. Said draws or appliances shall be located at such points as shall be designated by said board. A failure to comply with this section shall render such owner or person or corporation maintaining or operating any of said structures liable to any person for the damages caused to such person by such failure. Compliance with the provisions of this section may be enforced by mandamus or by mandatory injunction, or by any other appropriate remedy authorized by law, in an action or proceeding brought by the reclamation board, which action or proceeding may be commenced and maintained by said board in the name of the people of the State of California. The remedies provided by this section shall not be exclusive of, but shall be concurrent with and in addition to, any other remedy which may exist by law.

SEC. 8. Section eleven of said act is hereby amended to read as follows:

Approval of  
reclamation  
plans.

Sec. 11. Any plan of reclamation, flood control, drainage or other improvement that includes or contemplates the construction, enlargement, revetment or alteration of any levee, embankment, canal or other excavation along or near the banks of the Sacramento or San Joaquin rivers or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom, must, unless heretofore approved by the reclamation board, be approved by said board before construction of the same shall be commenced. Any such plan shall be void until approved by said board, and no such work shall be done or constructed without the permission of said board first obtained.

Cutting  
levees

No river or by-pass levee at any of the places hereinbefore mentioned, nor any levee forming part of any of the plans of flood control adopted by this act or by said reclamation board, shall be cut or altered without permission of said board first obtained.

Right to  
raise levees

Notwithstanding any provision hereinbefore in this section contained, the owner of any existing levee at any of the places above mentioned shall have the right to raise, widen, or strengthen the same to such extent as such owner may desire; *provided*, that before such work is commenced, the plans, specifications and method of construction therefor shall be submitted to and approved by the reclamation board, and that the work shall be done subject to the supervision of said board, and that no claim shall ever be made against said reclamation board or said Sacramento and San Joaquin drainage district for compensation, through or by any assessment or otherwise, for any part of such work which may be in excess of the requirements of the plan of flood control for that locality finally adopted and approved by said board.

*And provided, further*, that any such existing levee may be protected or strengthened in case of emergency during the season of flood water, where it is in danger of injury or destruction therefrom; *provided*, that notice of such work shall be

immediately given to the reclamation board, and provided that all such emergency work shall be subject to the subsequent approval of the reclamation board, and that said board shall have power to require its removal or alteration if not so approved.

*And provided, further,* that no levee, embankment or other structure within any by-pass or overflow channel adopted by said reclamation board shall be raised, widened, strengthened or altered without permission of said reclamation board first obtained.

The construction, enlargement, revetment or alteration of any levee, embankment, canal or other work of reclamation, flood control or drainage at any of the places hereinbefore mentioned, or the doing of any act or construction of any work in this section mentioned, or permitting the same to remain after such construction, which shall be done without the permission of the reclamation board and in violation of any of the provisions of this section, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to commence and maintain any suit or suits in the name of the people of the State of California for the prevention or abatement of such nuisance. Any person who shall do any act contrary to or in violation of any of the provisions of this section shall be guilty of a misdemeanor.

Work done without permission declared nuisance

SEC 9 Section twelve of said act is hereby amended to read as follows:

Sec. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district by purchase, condemnation or by other lawful means, in the name of the Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes; to construct, clear and maintain by-passes, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the state treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury;

Powers of board to acquire lands, etc

to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein: to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board. In case any land, right of way or easement is or shall be needed for any work of channel excavation, enlargement, rectification or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States, and it is or shall be necessary or be required by the United States, before doing such work or constructing such weir, that such land, right of way or easement be conveyed to the United States free of cost, the reclamation board shall have power to acquire such land, right of way or easement and cause the same to be conveyed to the United States free of cost, or to be condemned for the use of the United States in the manner provided by the laws of this state or of the United States, and to pay the cost and expense of acquiring such land, right of way or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin drainage district, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States free of cost.

SEC. 10. Section thirteen of said act is hereby amended to read as follows:

Sec 13. Whenever, in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, said board shall cause an assessment to be levied upon such lands within said drainage district for such purposes. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said

Acquisition  
of lands  
required  
by U S

Levy of  
assessments

district. Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of making any such assessment the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors shall be exempt from the provisions of the civil service laws of this state. Said assessors must assess upon the lands within said drainage district the said sums so levied by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands are situated, when and where they will hear objections to the said report and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby. Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him),

Assessors /s/

To hear objections

To exclude lands not benefited

Owner  
unknown.

Abbrevia-  
tions.

To prepare  
map.

deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owners unknown. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. In the assessment list for any county the assessors may make use of any abbreviation in common use in that county, without explanation thereof. The assessors may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or in part by reference to a map, plat or survey, which map, plat or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat or survey by name, number or other designation sufficient to identify the same in a schedule of such maps, plats and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat or survey may be found, and shall be referred to by a reference written, printed or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to indicate thereon and identify the several tracts of land to be separately assessed or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "reclamation board assessment map No. ---," giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board, shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment, or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this

state relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to; *provided, however,* that the maps herein referred to shall have no legal effect for any purpose except for the convenient reference to and description of the tracts of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided. Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated, the assessment list for such county, and the same shall be open for inspection by the public for at least thirty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than thirty days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for two weeks in some newspaper published in such county. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed, may file in the office of the reclamation board written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. If said assessment shall be reapportioned, the board shall give two weeks notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled. Such action must be commenced within thirty days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the

Lists to  
be filed

Board to  
hear objec-  
tions to  
assessments

Person  
aggrieved  
may com-  
mence  
action

office of the county treasurer as provided in the next section, and shall have preference over all civil actions in fixing the time of trial. No objection to said assessment shall be considered by the court unless such objection shall have been made in writing to the reclamation board as hereinbefore prescribed, and, excepting in the action above mentioned, no action or defense shall ever be maintained attacking the said assessment in any respect. Whenever an assessment has been levied by the reclamation board upon lands in said district for general administrative expenses and other expenses not pertaining to any particular project, and the boundaries of said district have been or shall be extended so as to include lands other than the lands included within said district at the time such assessment was levied, the reclamation board shall make an estimate of the fair and equitable amount which should be contributed by the lands so included in the district by such change of boundaries for the purposes of such assessment previously levied by said board for general administrative expenses and other expenses not pertaining to any particular project, and shall levy and cause to be assessed, equalized and collected in the manner in this act provided an assessment to the amount of such estimate upon lands so included in the district by such change of boundaries, according to benefits in the manner in this act provided.

Objections  
must be  
in writing

Assessment  
for general  
expenses.

SEC. 11. Section fourteen of said act is hereby amended to read as follows:

Assessment  
becomes lien  
on land

Sec 14. After such hearing has been had by the board in any county, said assessment list shall be certified by the secretary of the board to be correct, and said list shall be deposited in the office of the county treasurer of said county, and such assessment shall thereafter constitute a lien upon the lands so assessed and shall impart notice to all subsequent purchasers or incumbrancers or other person acquiring any interest in or lien upon said land, and all unpaid assessments shall bear interest at the rate of seven per cent per annum from the time when the assessment list is so deposited in the office of the county treasurer, and shall be paid to the county treasurer in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon to date of delinquency, and ten per cent of the amount of said installment and interest, and the sum of fifty cents upon each tract of land separately assessed to cover cost of publication of notice of sale, shall be added thereto, and collected for the use of the district: *provided*, that if an action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, may in the discretion of the board become delinquent thirty days after any judgment ren-

Delinquent

dered therein shall become final. After the said installment has become delinquent, the board shall publish a notice at least once a week for three weeks in some newspaper of general circulation published in the county where the land is situated, which notice shall contain a description of the property assessed as described in the assessment list or by other description sufficient to identify the same, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty and cost of publication that has been added as above provided, and notice that the property assessed will be sold on a date therein stated, in front of the courthouse of said county, to pay said installment with accrued interest and the penalty and cost of publication hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the board must cause said property to be sold to the highest bidder for gold coin of the United States. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. The sale may be conducted by such person as the board may appoint for that purpose, whether a licensed auctioneer or not, and no license shall be required of such person for conducting such sale. Out of the proceeds of said sale the board must pay the amount of said installment with accrued interest thereon and the penalty and cost of publication herein provided for to the county treasurer of such county, and the board must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The board may postpone said sale from time to time by announcement at the time and place of sale and by a written notice posted at or near the place of sale which written notice shall be substantially as follows: The sale of property for delinquent assessments under (name and number of assessment) of the Sacramento and San Joaquin drainage district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty and cost of publication, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty and cost of publication. A certificate of such sale shall be executed by the president of the board to the purchaser, or to the district if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land is situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of ten per cent per annum from the date of said sale. If no redemption shall

Notice of delinquency and sale

Postponement of sale

Certificate of sale

Redemption.

Deed.

be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the president of said board. The effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where property shall have been so deeded to the district and shall not have been sold, the same shall not be offered for sale for subsequent installments of the said or any assessment so long as the district shall remain the owner of said property, but the board may sell said property at any time at public auction after notice given for the same period and in the same manner as herein provided for sale for delinquent installments, but not for a sum less than all delinquent unpaid installments of all assessments thereon with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued, and if the total amount of the whole of such assessment on any tract shall be paid in full within thirty days after the first installment of such assessment has been by said board ordered paid, no interest shall be charged.

Property  
deeded to  
districtPayment  
may be made  
in full

SEC. 12. Section fifteen of said act is hereby amended to read as follows:

Deposit of  
money  
collected

Sec. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the state treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin drainage district fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district; *provided*, that all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which

Paid out on  
warrants

assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any of the lands embraced in said drainage district, shall be expended only for works of reclamation or other expenses beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn, as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors therefor. In case there are not sufficient funds applicable thereto for the payment of such warrants when presented to the state treasurer he shall endorse on such warrants the date of presentation and register the same, and ~~thereafter~~ such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be four years from the date of their issuance or renewal as hereinafter provided. Said warrants shall, at any time within four years after their issuance or renewal, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time within four years after the date or previous renewal thereof, renew any warrant for an additional period of four years upon application of the owner or holder of such warrant, by an endorsement thereon of the fact and date of such renewal and notice thereof to the state treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the state treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest. The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands in said drainage district will be greater than required for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes release the lien of and abandon such assessment as to any part thereof not required as aforesaid and not previously ordered to be paid; and a copy of such resolution certified by the secretary of said board and attested with

<sup>When there are no funds,</sup>

<sup>Renewal of warrants</sup>

<sup>Notice of money to pay warrants</sup>

its seal shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been voluntarily made upon the part of such assessment upon any tract of land so abandoned and released the amount of such overpayment shall be repaid to the person by whom the same was paid, his heirs or assigns; and upon production of the county treasurer's receipt therefor and endorsement thereon by the reclamation board of the fact of such repayment, the reclamation board shall draw a draft on the state controller and the controller shall draw a warrant upon the state treasurer therefor, and the state treasurer shall pay such warrant in the same manner as other warrants against the funds of such assessment. The reclamation board may also in its discretion abandon further proceedings under any assessment at any time prior to the time when the lien of such assessment has accrued. In case of any change of county boundary lines, or creation of any new county, all acts and proceedings in this act provided for in the matter of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessment.

Abandonment of proceedings under assessment.

SEC. 13. Section sixteen and one-half of said act is hereby amended to read as follows:

Sec. 16½. One of the first projects to be considered by said board shall be that portion of the plans of the California debris commission relating to the Sacramento river and Cache slough below the junction of Yolo basin by-pass and Cache slough known as the project to enlarge the outlet of the Sacramento river. In the estimate of the sum necessary for the project last named, the board shall also ascertain the amount of any expenditures that have heretofore been made by the State of California, any municipal corporation, reclamation district, and by any owner of lands within said drainage district, or by any of them, for the purpose of purchasing rights of way for the enlargement of the outlet of the Sacramento river and actually applied to said purpose, which said sums so expended shall be legal claims against said district upon execution by the claimant of a quitclaim deed of rights of way to the district, and shall be paid from the moneys arising from the assessment for the project in this section first above mentioned. The governor is hereby authorized to execute such quitclaim deed on behalf of the State of California; *provided, however*, that in cases where such rights of way or lands for use as such rights of way have already been conveyed to, or the title thereto has already been vested in, the United States for use in carrying out said project, the quitclaim deed from any claimant above referred to shall not be required.

First projects to be considered

SEC. 14 Section seventeen of said act is hereby amended to read as follows:

Sec. 17. It shall be the duty of the reclamation board to promote the construction, completion, maintenance and repair of levees along all rivers, streams, overflow channels and basins and by-passes where, in the opinion of the board, such levees are insufficient or necessary for the purpose of the plans for flood control to be carried out by said board under this act. Whenever any such levee is in the opinion of said board insufficient or necessary for the purpose aforesaid, the reclamation board shall give notice, by publication in the manner hereinafter provided, that such levee is insufficient or necessary, and that it is the intention of said board to construct, repair or complete such levee and pay the cost thereof out of an assessment levied or to be levied and assessed upon the lands within said drainage district directly or indirectly benefited by such levee. Such notice shall be signed in the name of the reclamation board by its president and secretary and shall be published once a week for three weeks in some newspaper published in the county wherein such levee or the greater part thereof is situated or is to be constructed, and the giving of such notice by publication shall be deemed completed on the twenty-first day after the first publication thereof. Any land owner or owners, and any reclamation district, drainage district, levee district, municipal corporation or other organization or association authorized by law to construct, repair or complete such levee shall have thirty days after completion of the giving of such notice by publication as aforesaid within which to apply to said reclamation board for leave to construct, repair or complete such levee, which application shall be in writing and signed by such applicants or their respective executors, administrators, guardians, trustees or duly constituted and authorized officers, and filed in the office of the reclamation board; and in case such application be filed within thirty days, as aforesaid, such applicants shall have sixty days after the filing of such application, or such further time as said reclamation board may by order entered in its minutes allow, within which to present to said reclamation board their plans and specifications for the construction, repair or completion of such levee, and obtain the approval by said board of such plans and specifications, and to commence the work. Each such application for leave to construct, repair or complete such levee shall designate the name and post office address of at least one and not more than three of the applicants signing the same as the person or persons to whom any notice or communication may be addressed by the reclamation board in the matter of such application. In case there shall be two or more such applications filed in the office of the reclamation board within said period of thirty days last above mentioned the reclamation board may determine which of such applications shall be recognized and may reject the others. Any such levee constructed or work done by such applicants as hereinbefore provided, pursuant to such notice from

Duty of board to promote levee building

Publication of notice

Application for leave to construct levee

Board may  
proceed  
with work

the reclamation board and according to plans and specifications approved by said board, shall be considered as constructed or done with the permission of said board within the meaning of section eighteen of this act. If such application shall not be filed in the office of said reclamation board for permission to do such work, as aforesaid, within thirty days after completion of the giving of such notice by publication, or if such applicants shall fail to present to said board and obtain its approval of such plans and specifications and to commence the work as aforesaid, within said period of sixty days or such further time as the board may allow, or shall fail to complete such work with reasonable diligence after the same shall have been so commenced, the reclamation board shall thereupon be and is hereby empowered to proceed with the construction, repair or completion of such work, and to pay the cost thereof by assessment upon the lands within said drainage district directly or indirectly benefited by such levee according to such benefits, as in this act provided, which assessment may be either an assessment specially levied and assessed for that purpose, or any assessment levied and assessed by said board and applicable to the payment of such work. Notwithstanding anything in this section provided, if in the opinion of the reclamation board a case of emergency exists requiring immediate action to preserve life or property or to protect or preserve the safety of any such levee along any river, stream, overflow channel or basin or by-pass, the reclamation board may cause the necessary work to be done immediately for the protection or preservation of such levee, without giving the notice hereinbefore provided, and may pay the cost thereof, and any damage that may have been done by the performance of such work, by an assessment to be levied and assessed as above provided, or out of the funds of any assessment available for that purpose under the provisions of this act.

Emergency  
cases

SEC 15. Section eighteen of said act is hereby amended to read as follows:

By-pass of  
reclamation  
district,  
etc., with  
drainage  
district

Sec. 18. Notwithstanding any provision in this act, any reclamation district, levee district, drainage district or municipal corporation, wholly or partly within the said Sacramento and San Joaquin drainage district, now or hereafter existing, shall have the right, with the permission of the reclamation board, to acquire by grant or eminent domain or otherwise, any right of way or other easement included in any of the plans for controlling the flood waters of the Sacramento and San Joaquin rivers or their tributaries to be carried out by said reclamation board as in this act provided, which right of way or other easement is or shall be required by the plans of such reclamation, levee, or drainage district or municipal corporation for the consummation of its purposes as authorized by law, and shall also have the right, with the permission of the reclamation board, to construct such levees, cuts, canals or gates as may be required to complete any by-pass forming part of said plans to be carried out by said board as aforesaid, or to

complete any part of any such by-pass which may in the judgment of said reclamation board be safely and economically constructed as a separate unit or portion thereof, and the title to any such right of way or other easement or levees, cuts, canals or gates shall be conveyed to the said drainage district upon compensation being made at the actual reasonable cost thereof.

If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person within said Sacramento and San Joaquin drainage district, with the consent of the reclamation board, has provided or left, or shall hereafter provide or leave, any land for a by-pass or waterway storage basin or sump for the purpose of complying with the plans to be carried out by said board as aforesaid, or for carrying out in whole or in part any of the plans or works adopted by it or shall hereafter, with the consent of the reclamation board, erect any levee or levees along said by-pass or waterway, storage basin or sump the said by-pass waterway, storage basin or sump and levees shall be considered as a part of the work to be done pursuant to the provisions of this act and proper compensation shall be made for the right of way or easement through, over and upon such by-pass, waterway, storage basin or sump and for the actual reasonable cost of construction of said levees, cuts, canals or gates. When such compensation shall have been made, such reclamation district, levee district, drainage district, municipal corporation, association, private corporation or person shall convey to the said Sacramento and San Joaquin drainage district a perpetual easement in, over and upon said by-pass, storage basin or sump and levees for all purposes necessary to accomplish the said plans to be carried out by said reclamation board as aforesaid.

Land left  
for by-pass

In the event that any such reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person, shall, with the consent of the reclamation board, expend any sum of money in the acquisition of such right of way or other easement, or in the construction of such levees, cuts, canals or gates, and shall convey the same to the Sacramento and San Joaquin drainage district, or in the event that it, he or they has or have allowed, or shall allow, any land to be used for the purpose of a by-pass or waterway, storage basin or sump to comply with the plans to be carried out by said board as aforesaid, or shall, with the consent of said board, construct levees along any line of any such by-pass, or storage basin, and shall convey a perpetual easement therein to said Sacramento and San Joaquin drainage district, it, he or they shall have a claim against the said drainage district for the reasonable value or cost of such right of way or other easement or of such levees, cuts, canals or gates, and an assessment shall be levied upon the lands in said drainage district benefited thereby so that the same may be paid, or such cost may be

Claim  
against  
district for  
right of way.

included as one of the items in any assessment that may be levied in the said drainage district.

Definition.

The words "with the permission of the reclamation board" or "with the consent of the reclamation board," as used in this section, shall be construed to mean and are hereby declared to mean the express permission or consent of said board in each particular case, evidenced by resolution or order entered in its minutes, and granted upon application of the particular district, corporation, association or person desiring to obtain benefit of the provisions of this section.

Maximum compensation.

Before granting its permission for the acquiring of any right of way or easement or for the construction of any of the levees or other works in this section mentioned, the reclamation board may require the applicant for such permission to furnish and submit to said board complete and detailed plans and specifications therefor and estimates of the cost thereof, and said board may in its order granting such permission designate a maximum limit of the amount of compensation to be so allowed therefor.

When ownership in fee may be deemed necessary.

In case the reclamation board shall determine that the ownership in fee of, instead of the right of way or easement over, any land required for use as a by-pass, or overflow channel or basin, or for any part of the works of flood control to be carried out by said board, is necessary, or that the absolute ownership by said Sacramento and San Joaquin drainage district of any levees, cuts, canals, gates or other flood control works is necessary, for the purposes of said district, then said board may require that such title in fee and absolute ownership shall be conveyed to said Sacramento and San Joaquin drainage district before any compensation shall be allowed therefor pursuant to any of the provisions of this section.

SEC. 16. A new section is hereby added to said act to be numbered section twenty and to read as follows:

Revolving fund.

Sec. 20. When and as soon as the sum of fifty thousand dollars has been collected and paid to the state treasurer as reimbursement of one-half of the appropriation for the use of the reclamation board made by section nineteen of said act hereby amended, or when and as soon as any part or parts of said sum shall be so repaid from time to time, if the same shall be so repaid in installments, the money so repaid to the state treasurer shall be and is hereby re-appropriated for the use of said reclamation board and may be used by said board as a continuing revolving fund in the manner hereinafter provided. The controller is hereby directed to draw warrants upon the state treasurer whenever drafts of the reclamation board therefor are presented to him, payable out of such revolving fund, and the state treasurer is hereby directed to pay said warrants. The said revolving fund may be used by said reclamation board from time to time for any purpose for which the funds of said board or of the Sacramento and San Joaquin drainage district, whether raised by assessment or otherwise provided, may be lawfully used. Whenever any assessment has been or

shall be levied or ordered by said board applicable to the payment of any expenses or charges so prepaid out of said revolving fund, and such proceedings shall have been taken in the matter of such assessment that it shall be lawful to draw warrants against the funds of such assessment as hereinbefore provided, the reclamation board shall make and present its draft to the controller and the controller shall draw his warrant upon the state treasurer upon the funds of such assessment for the amount of such expenses or charges so prepaid out of said revolving fund, which warrant shall be drawn in favor of the state treasurer. Such warrants may be registered and renewed and shall bear interest and be paid in the same manner as other warrants against the funds of such assessment, as hereinbefore provided, and when so paid the amount of such warrants and the interest thereon, if any, shall be by the state treasurer credited to said revolving fund and form a part thereof.

The reclamation board may from time to time draw such sum from the state treasury out of such revolving fund, not to exceed the sum of five thousand dollars, as shall be approved by the board of control, which sum may be drawn without the submission of estimates, receipts, vouchers or itemized statements, to be used as a special cash contingent fund out of which may be advanced any proper expenses or charges in and about the conduct of its business, requiring prompt payment in cash. All charges and expenses so advanced out of such cash contingent fund must be accounted for and proper vouchers therefor produced to the board of control, and when approved by the board of control the amount thereof shall be paid out of said revolving fund and returned to said cash contingent fund. Said special cash contingent fund must be accounted for by the said state reclamation board at any time upon demand by the controller or state board of control and refunded to the said revolving fund.

Special cash  
contingent  
fund

SEC. 17. A new section is hereby added to said act to be numbered section twenty-one and to read as follows:

Sec. 21. Any construction or repair work to be undertaken or done upon the initiative of the reclamation board under any of the provisions of this act may, at the option of said board, be undertaken and done by said board under the sole charge and direct control of said board, its officers, agents and employees, free from any jurisdiction or control of the state department of engineering over the same. Any such work to be so undertaken and done by the reclamation board may be done wholly or partly by contract let by the board in such manner as the board may determine, or may be done wholly or partly by day labor or force account if deemed advisable by the board. Said board is hereby authorized to construct, purchase, rent, sell or exchange, from time to time as may be found necessary or convenient, any and all such dredgers, machines, appliances, tools, apparatus and other property as may be necessary or convenient for doing any such work; and the cost thereof shall be apportioned to and paid from the

Work may  
be done by  
board.

Construction  
of dredgers

funds raised from the several assessments levied or to be levied by said board in a just and equitable manner according to the use made of the same in carrying out the several separate portions or projects for which such assessments are levied respectively.

Dredgers  
may be let

Any such dredgers or other equipment, when not in use on any work of the reclamation board, may be by said board rented for use by others, and the rental received therefrom by said board shall be paid over to the state treasurer and by him credited to the balance or balances remaining unexpended of the assessment or assessments against which the cost of such equipment has been paid or is to be charged, as indicated to him by said board.

Work may  
be done by  
engineering  
department.

The reclamation board may also, at its option, determine that any such construction or repair work shall be taken charge of and constructed by the state department of engineering, in which case the plans and specifications for such work shall be prepared and approved by the reclamation board and by said board delivered to the state engineer, together with a request that such work be taken charge of and done by the state department of engineering, and thereupon such work shall be done or constructed under the sole charge and direct control of the state department of engineering in the manner provided by law for the doing of such work by that department; and the cost thereof and any necessary and proper expenses incurred by said department of engineering in connection therewith shall be a legal charge against the Sacramento and San Joaquin drainage district and paid out of any assessment or other fund applicable thereto; *provided, however*, that any contract let by the state department of engineering for the doing of any such work shall be approved by the reclamation board before becoming effective; *and provided, further*, that any cash, bond, check or other security forfeited by any bidder or contractor for failure to enter into or to perform any contract for the doing of any such work shall be forfeited to and recovered by the reclamation board for the use of the Sacramento and San Joaquin drainage district, and as soon as received or recovered shall be paid to the state treasurer and by him placed to the credit of the assessment out of which the cost of such work is to be paid.

In the case of any such work so done or constructed by said department of engineering, the reclamation board may furnish to said department of engineering for use in such construction any of its dredgers, machines, appliances, tools, apparatus or other property which may be necessary or convenient for doing such work.

SEC. 18. A new section is hereby added to said act to be numbered section twenty-two and to read as follows:

Board may  
superise  
work

Sec 22. The reclamation board shall have the right to inspect and supervise, as the same progresses, any work done or constructed pursuant to any of the provisions of this act, and may insert a stipulation for such inspection and supervision in

any order, contract or other instrument permitting or providing for or relating to the doing or construction of any such work.

SEC. 19. A new section is hereby added to said act to be numbered section twenty-three and to read as follows:

Sec. 23. Any plans or specifications heretofore or hereafter adopted or approved by the reclamation board for any work to be done or constructed pursuant to any of the provisions of this act may be changed or altered, with the consent of said board, at any time before commencement or during progress of the work, if deemed advisable by said board for the purpose of avoiding obstacles or to conform to conditions discovered or existing where such work is to be done, or for any purpose approved by said board; and said board may in like manner and for like purpose at any time change or alter the plans or specifications for work undertaken by the board upon its own initiative.

Plans may be changed

SEC. 20. A new section is hereby added to said act to be numbered section twenty-four and to read as follows:

Sec. 24. The president, or any member of said reclamation board, and the secretary and assistant secretary, general manager and chief engineer of said board are and each of them is hereby authorized to administer oaths and to take and certify affidavits relating to any matter pending before said board, or in which said board or the Sacramento and San Joaquin drainage district may be interested.

Administra-  
tion of  
oaths.

SEC. 21. A new section is hereby added to said act to be numbered section twenty-five and to read as follows:

Sec. 25. Any hearing before the reclamation board shall, if deemed advisable by the board, be conducted upon sworn testimony of the applicants or witnesses except in the case of reports or investigations made by the members, employees or special advisers of the board.

Sworn  
testimony.

Whenever in the opinion of the board it shall be necessary or proper for the convenience of applicants or witnesses, the reclamation board may meet at any place in this state for a hearing or partial hearing of any application coming before said board; or the board may in its discretion authorize such hearing or partial hearing to be had before a committee of one or more members of the board, or before the general manager or chief engineer of the board, at any place within this state, who shall take and report the evidence to the board. The board may require that all or such part as it deems proper of the expenses of any such outside hearing, if held at the request of the applicant, including traveling expenses of the members, officers or employees of the board, and the expenses of stenographic reporting and transcribing evidence taken at such hearing, shall be paid by the applicant, including a proportionate allowance, according to their usual rate of compensation, for the time of the members, officers and employees of the board required for such hearing. All money so collected as compensation for the time of the members, officers or employees of

Meeting  
any place  
in state

the board shall be paid by said board into the state treasury and by the state treasurer credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of the board.

Depositions  
of witnesses

The reclamation board may also provide, in such manner and upon such terms as to said board may seem proper, for the taking at any place of the deposition under oath of any witness for or against any application pending before the board, which deposition shall be taken before a notary public or other officer or person authorized by law or by this act to administer oaths, and when so taken, the same shall be certified and returned to the office of said board in the manner provided by law for the certifying and returning of depositions in civil actions, and when so taken, certified and returned, the said deposition may be read in evidence before said board at the hearing of such application.

SEC. 22. A new section is hereby added to said act to be numbered section twenty-six and to read as follows:

Proof of  
service of  
notice

SEC. 26. An affidavit may be used to prove the service or publication of any notice required or provided for by any of the provisions of this act in the same manner and to the same extent as provided for in sections two thousand nine to two thousand fifteen inclusive of the Code of Civil Procedure, and such affidavit shall be received as prima facie evidence of such service or publication in any court or elsewhere.

SEC. 23. A new section is hereby added to said act to be numbered section twenty-seven and to read as follows:

Additional  
notice

SEC. 27. Besides and in addition to the notices required by this act, the reclamation board may in its discretion give such notice as it may deem proper, by publication, mailing or otherwise, of any of its assessments, orders, proceedings, hearings or other acts done or contemplated.

SEC. 24. A new section is hereby added to said act to be numbered section twenty-eight and to read as follows:

Rules

SEC. 28. The reclamation board may from time to time adopt rules to promote the convenient, orderly and just conduct of the business of said board and of the Sacramento and San Joaquin drainage district, and may amend or repeal the same or any part thereof from time to time, and any such rules or any part thereof may be suspended or compliance therewith may be waived by said board at any meeting to such extent as may be deemed proper. Any rules heretofore adopted by the reclamation board shall be the rules of said board until amended or repealed or until new rules are adopted.

SEC. 25. A new section is hereby added to said act to be numbered section twenty-nine and to read as follows:

Property  
exempt

SEC. 29. The property of the reclamation board or of said Sacramento and San Joaquin drainage district shall be exempt from execution or attachment.

SEC. 26. A new section is hereby added to said act to be numbered section thirty and to read as follows:

Sec. 30. If any section, subsection, sentence, clause or phrase of this act shall for any reason be held or found to be unconstitutional, the validity of the remaining portions of this act shall not be thereby affected. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, notwithstanding that any one or more sections, subsections, sentences, clauses or phrases be held or found to be unconstitutional.

Constitutionality.

SEC. 27. A new section is hereby added to said act to be numbered section thirty-one and to read as follows:

Sec. 31. This act shall be known and may be cited and referred to as the "reclamation board act."

Title of act

SEC. 28. It is hereby declared by the legislature that some of the provisions of this amendatory act are for the purpose of more clearly expressing what was intended by the legislature in certain provisions of said act which is hereby amended, and therefore, if any provision of said act hereby amended, when properly construed, shall be held to have the same meaning as a corresponding or any provision of this act, although differently expressed, the amendment thereof by this act shall be construed to be an amendment in form only and not in substance.

Provisions amendatory

SEC. 29. All acts and parts of acts inconsistent with said act as heretofore and now hereby amended, are hereby repealed to such extent as they may be so inconsistent.

CHAPTER 687.

*An act to amend section forty-two hundred seventy-nine of the Political Code, relating to salaries of county officers for counties of the fiftieth class.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section forty-two hundred seventy-nine of the Political Code is hereby amended to read as follows:

4279. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of 50th class, salaries of officers

1 The county clerk, eighteen hundred dollars per annum and such fees as may be allowed by law to retain; and, provided, that in any year after a new register of voters is required by law that said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk.

County clerk

Sheriff

2. The sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum which shall be in full for all services as tax collector and license collector.

Assessor.

7. The assessor, eighteen hundred dollars per annum; *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid; *provided, further*, that the provisions herein contained for the expenses of the assessor shall apply to the incumbent.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand dollars per annum, and actual and necessary traveling expenses when visiting schools of his county. He shall also be allowed five dollars per day for acting as secretary of the board of education for each day said board is in session.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace.

13. In counties of this class the justices of the peace shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, for the year nineteen hundred fifteen, three hundred dollars, to be paid between the time when this act takes effect and December 31, 1915; after the year nineteen hundred fifteen, the sum of three hundred dollars per annum, payable monthly.

(b) In townships having a population of less than one thousand for the year nineteen hundred fifteen, two hundred forty dollars, to be paid between the time when this act takes effect and December 31, 1915; after the year nineteen hundred fifteen, the sum of two hundred forty dollars per annum payable monthly.

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation

shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

For the purpose of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred and ten.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables

15. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred and fifty dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses. Supervisors

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided is not in addition to that provided in section 1770 of this code. Board of education

17. The legislature hereby declares that the provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers. No increase in salary

18. The provisions of this act shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and said provisions shall be in force and apply to the present incumbent. In effect when.

## CHAPTER 688.

*An act to appropriate money for the use of the railroad commission of the State of California in the control of public utilities within incorporated municipalities.*

[Approved June 9 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation control of public utilities.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the railroad commission of the State of California in the control of public utilities within incorporated municipalities.

## CHAPTER 689.

*An act to appropriate money to pay the claim of W. E. Gerber against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, W. E. Gerber

SECTION 1. The sum of eighteen hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of W. E. Gerber against the State of California.

## CHAPTER 690.

*An act to amend section one thousand two hundred sixteen of the Political Code, relating to the duties of registrar of voters.*

[Approved June 9, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand two hundred sixteen of the Political Code is hereby amended to read as follows:

Duties of registrar of voters.

1216. In all counties and cities and counties in this state, having a registrar of voters and a board of election commissioners, the powers conferred and the duties imposed by this code upon the county clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters, and board of election commissioners; and all certificates of nomination, nomination papers, or election papers required by this code or by the law to be filed with or presented to the county clerk, shall be filed with or presented to the registrar of voters; and the deputies or clerks in the office of the registrar of voters, or

the election commission shall have all the powers of the deputies of the county clerk in matters relating to elections; *provided, however,* that in all counties and cities and counties in this state having a registrar of voters, but no board of election commissioners, other than the board of supervisors acting as such *ex officio*, the powers and duties imposed by this code or the laws of this state upon county clerks in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters, and all certificates of nomination, nomination papers and election papers required by this code or by law to be filed with or presented to the county clerk shall be filed with or presented to the registrar of voters and the deputies or clerks in the office of registrar of voters shall have all the powers of the deputies of the county clerk in matters relating to elections.

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CHAPTER 691.

*An act appropriating money to pay the claim of Dr. W. B. Coffey against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of twelve hundred and fifty dollars is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of Dr. W. B. Coffey against the State of California, and the board of state harbor commissioners is hereby authorized, empowered and directed to issue its draft against the San Francisco harbor improvement fund for said amount in favor of said claim Appropriation claim.  
W. B. Coffey

SEC. 2 The state controller is hereby authorized to draw his warrant for said sum, and the state treasurer is hereby directed to pay the same. *It is provided, however,* that before said warrant is issued there shall be filed with the state controller receipt in full of all claims or demands against the board of state harbor commissioners and the State of California signed by said Dr. W. B. Coffey.

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CHAPTER 692.

*An act to appropriate money to pay the claim of Harve Oliver Waterman against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915 ]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of one thousand seven hundred fifty-one and twenty-five one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of Harve Oliver Waterman against the State of California. Appropriation claim.  
H O Waterman

## CHAPTER 693.

*An act making an appropriation for the construction of curb and gutter around the Mission San Francisco del Solano.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation Mission San Francisco del Solano

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of three hundred dollars, to be expended in accordance with law in constructing a curb and gutter around the property of the Mission San Francisco del Solano, in the city of Sonoma, California.

## CHAPTER 694.

*An act appropriating money to pay the claim of Lassen county against the State of California.*

[Approved June 9, 1915 In effect immediately.]

*The people of the State of California do enact as follows:*

Appropriation claim, Lassen county

SECTION 1. The sum of forty-eight hundred three and forty-nine one-hundredths dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Lassen county for taxes refunded under the provisions of section 3804 of the Political Code.

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

## CHAPTER 695.

*An act making an appropriation of money to pay the claim of R. T. Macklin against the State of California for injuries received while in the service of the state.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, R T Macklin.

SECTION 1. The sum of one thousand seven hundred twelve dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of R. T. Macklin, against the State of California, for injuries received while in the service of the state, as a member of the National Guard of California, and the state controller is hereby authorized and directed to draw his warrant in favor of said

R. T. Macklin for said sum of one thousand seven hundred twelve dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 696.

*An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897," by amending sections 1, 5, 28, 57, 61, 72, 90 and 91, and by adding new sections to be known as sections 41a and 61a.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897," is hereby amended to read as follows:

Section 1. A majority in number of the holders of title, or evidence of title, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state, to lands susceptible of irrigation from a common source and by the same system of works, (including pumping from sub-surface or other waters), such holders of title, or evidence of title and of possessory rights, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act. Such lands need not consist of contiguous parcels.

Majority of owners may organize irrigation district

Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the purposes of this act, except that where property is assessed to unknown owners or the assessment roll does not purport to give the true name or gives the names of a portion only of the owners of any parcel, the actual owners of said property shall be considered the owners for all the purposes of this act, and owners of undivided interests may sign for such interest and each such owner shall be considered as one assessment payer; *and provided, further*, that guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice. A certificate of acknowledgment taken

Evidence of title

before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom such petition was signed, shall be sufficient evidence of the genuineness of such signature.

SEC. 2. Section five of said act is hereby amended to read as follows:

Divisions in district and election of directors.

Sec. 5. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth and fifth, and one director shall be elected for each division by the electors thereof; *provided*, that if so requested in said petition, the board may order that there shall be only three divisions in said district, and that only three directors be elected, and that the directors may be elected by the district at large, or by divisions, as such petition shall provide, but in any event such directors shall be elected to represent separate divisions and shall be residents of the respective divisions they are elected to represent.

SEC. 3. Section twenty-eight of said act is hereby amended to read as follows:

Number of directors

Sec. 28. In any district the board of directors thereof must, upon a presentation of the petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors, and that they shall be elected by the district at large, or by divisions as such petition shall provide, and after such order such directors shall be so elected; *provided*, that such directors if elected at large nevertheless shall be elected to represent separate divisions and shall be residents of the respective divisions they are elected to represent.

SEC. 4. A new section is hereby added to said act to be known as section forty-one *a*:

Suit against delinquent to collect assessment

Sec. 41a. The board of directors may at any time after any assessment has become delinquent direct the collector not to proceed with the sale of any property on the delinquent list, but to bring suit against the delinquent in the proper court in the name of the district to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and pleas are hereby made applicable to the proceedings herein provided for, and in such suit the district may recover the amount of said assessments together with the penalties and interests, provided in this act, and costs of suit.

SEC. 5. Section fifty-seven of said act is hereby amended to read as follows:

Compensation of directors.

Sec. 57. The directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed four dollars per day and ten cents per mile for each mile actually travelled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged

in official business under the order of the board; *provided*, that in irrigation districts containing five hundred thousand acres or more the directors, in lieu of said per diem, shall each receive a salary of one hundred and fifty dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided*, that said board shall, upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

SEC 6. Section sixty-one of said act is hereby amended to read as follows:

Sec. 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars, or, if the district shall contain more than four thousand acres, to one-half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors, and all such warrants must be made payable not later than the first day of January after the first assessment shall be levied in the district issuing such warrants; *and provided, further*, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Power to incur indebtedness restricted

SEC. 7. A new section is hereby added to said act to be known as section sixty-one a.

Sec. 61a. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section 61 hereof, when funds of the district are not available to pay the same, the treasurer of the district shall endorse

Warrants not paid to draw interest

Whenever  
there is  
money to pay  
warrants

thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper published in the district, or, if none is published therein, then in some newspaper published in the county in which the district or any portion thereof is situated, or, if none is published in such county, then the treasurer shall post such notice conspicuously in the place in which the board of directors of the district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record heretofore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

SEC 8. Section seventy-two of said act is hereby amended to read as follows:

Contests

Sec. 72. No contest of anything or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors, or of the board of supervisors upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made.

SEC 9. Section ninety of said act is hereby amended to read as follows:

Change in  
boundaries

Sec. 90. If the board of directors deem it for the best interest of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or, having shown cause, withdraws the same, the board may order that the

boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary; *provided, however,* that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; *and provided, further,* that when additional land is included within any irrigation district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district either by an impairment of water right or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge or such other conditions as may to the board seem just. If such inclusion is upon petition of property owners all such property owners must sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of the county in which such lands are situated, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of such irrigation district subject to such conditions.

Inclusion of public lands.

SEC. 10. Section ninety-one of said act is hereby amended to read as follows:

Sec. 91. If any person interested in said district or the proposed change of its boundaries shall show cause as aforesaid why such boundaries should not be changed and shall not withdraw the same or if the board of directors deem it not for the best interests of the district that the boundaries thereof be changed so as to include therein the lands mentioned in the petition or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the land which will be included within the boundaries of the district when changed, but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners that they will pay all of the cost of holding such election for the inclusion of such lands in case such inclusion should be denied.

Resolution describing boundaries.

## CHAPTER 697.

*An act to appropriate money to meet part of the expenses in maintaining the navigability of the San Rafael deep water channel.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation deep water channel to San Rafael

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used through and under the control of the engineering department of the State of California, in co-operation with the United States government and the city of San Rafael, in improving and maintaining the navigability of the deep water channel from San Rafael to San Francisco bay.

SEC. 2. The money herein appropriated shall not be available unless sufficient money is appropriated by the United States government and the city of San Rafael to provide the additional amount necessary to meet the total expenses of the work of dredging and improving said channel.

## CHAPTER 698.

*An act to appropriate money to pay the claim of Benjamin Walters against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, B Walters.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Benjamin Walters against the State of California.

## CHAPTER 699.

*An act to amend section four thousand two hundred forty seven of the Political Code of the State of California, relative to salaries and fees of officers in counties of the eighteenth class.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred forty-seven of the Political Code is hereby amended to read as follows:

Counties of 18th class, salaries of officers.

4247. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand three hundred dollars County clerk per annum and such fees as are allowed by law; also five hundred dollars additional per annum when a registration of voters is required by law. He shall also be allowed one copyist which office of copyist is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

2. The sheriff, four thousand five hundred dollars per Sheriff. annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of nine hundred dollars per annum, an undersheriff at a salary of fifteen hundred dollars per annum, a deputy jailer at a salary of twelve hundred dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer who shall be custodian of the courthouse grounds at a salary of twelve hundred dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

3. The recorder, twenty-four hundred dollars per annum Recorder. He shall also be allowed one deputy which office of deputy recorder is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed two copyists which two offices of copyists are hereby created, who shall receive as compensation the sum of six hundred dollars, each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

4. The auditor, twenty-four hundred dollars. The auditor Auditor shall also be allowed one deputy auditor which office of deputy auditor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

5. The treasurer, twenty-eight hundred dollars per annum Treasurer. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation

the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax  
collector  
Assessor

6. The tax collector, three thousand dollars per annum.

7. The assessor, four thousand dollars per annum. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. The assessor shall also be allowed all fees and commissions allowed him by law for collection of personal property taxes and for preparation of roll of persons subject to military duty.

District  
attorney.

8. The district attorney, twenty-seven hundred dollars per annum. The district attorney shall also be allowed one stenographer which office of stenographer is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Admuis-  
trator.

10. The public administrator, eight hundred dollars per annum.

Superin-  
tendent of  
schools.

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools in his county; *provided*, the superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor.

12. The surveyor shall receive ten dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

Justices of  
the peace.

13. Justices of peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand or less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen

dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fee as now or may hereafter be allowed by law for all services performed by him in civil actions.

14. Constables, the following salaries which shall be paid <sup>Constable</sup> monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than eighteen hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

15. Each member of the board of supervisors, twelve hundred dollars per annum for all services rendered and including mileage and services as road commissioners; *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual expenses. <sup>Supervisors</sup>

16. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month. <sup>Board of education</sup>

17. Sections one, three, four, five, seven, eight, eleven and the provisions of section fourteen relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the legislature. <sup>In effect when.</sup>

The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies, as provided in section seven of this act, shall be paid into the county treasury as provided by law except that the county clerk, sheriff, assessor, coroner, justices of the peace and constables, shall each be <sup>Salaries full compensation</sup>

allowed the fees and commissions as provided for in subdivisions one, two, seven, nine, thirteen and fourteen, respectively, of this act.

## CHAPTER 700.

*An act to add a new section to the Civil Code of the State of California to be numbered one thousand four hundred and ten b, relating to acts to be done to maintain the flow of water in a natural stream to the intake of any canal diverting water for sale, rental or distribution to the public.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is added to the Civil Code of the State of California to be numbered one thousand four hundred ten b and to read as follows:

Maintenance  
of flow of  
water in  
streams to  
canal  
intakes.

1410b. The flow of water in any natural stream to the intake of any canal diverting water therefrom for sale, rental or distribution to the public or for any public use, or the use of any farming neighborhood may be maintained by the person in charge of such use by restoring or repairing any break in the bank of the stream, and by maintaining the banks of the stream, and by preventing by physical structure and other appropriate means any increased flow of water through any natural by-ways of water which carry or threaten to carry such increase of water of the stream away from such intake; *provided, however*, that no act herein authorized, when performed, shall prevent, retard or obstruct the building thereafter of any reclamation, protection or flood control levee and the maintenance thereof; nor shall any act herein authorized prevent the use of any natural channel nor the enlargement thereof, for municipal purposes or for use in connection with any artificial system of drainage, irrigation or flood control not causing the flow of water in the channel at the intake of such canal to be less than the quantity of water the owners and appropriators may have the right to divert into said intake; nor shall any act herein authorized prevent the use of any natural channel or the enlargement thereof to convey water appropriated under the laws of the State of California where such natural channel shall be designated as the means, or part of the means of conveying the water so appropriated; nor shall the acts herein authorized limit the powers or authority of the water commission of the State of California to accomplish in its own way the purposes of this section, nor interfere with the construction of any flood control works in accordance with any plan of flood control adopted by the reclamation board.

CHAPTER 701.

*An act to reimburse Russell T. Joy for money paid by him to the State of California in the purchase of certain certificates of indemnity or scrip, on account of his becoming subsequently disqualified to purchase state lands by reason of removal from the State of California, and making an appropriation therefor.*

[Approved June 9, 1915 In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Russell T. Joy, having on the first day of November, 1909, and at a time when he was a resident of the State of California, purchased indemnity or scrip certificates numbers 272, 275 and 277 and paid therefor to the State of California the sum of eight hundred and seventy-two dollars; and said Russell T. Joy having subsequent to the date of the purchase of said indemnity or scrip certificates removed from the State of California, and having become a resident of the State of New York, by reason whereof he is disqualified from purchasing state land or from surrendering said indemnity or scrip certificates purchased by him and receiving restitution for the amount paid, in accordance with existing statutes, the sum of eight hundred and seventy-two dollars is hereby appropriated out of any moneys in the state treasury in the state school land fund, to be paid to said Russell T. Joy to reimburse him for his payment to the State of California for the purchase of the aforesaid indemnity or scrip certificates.

Appropriation reimburse R. T. Joy.

SEC. 2. Upon the surrender of said certificates of indemnity by said Russell T. Joy to the surveyor general, the latter is hereby authorized and directed to cancel the same and issue a certificate of the character provided for in section 3408*d* of the Political Code of the State of California.

SEC. 3. The state controller is hereby authorized upon receipt of said certificate from the surveyor general, accompanied by a release duly executed by said Russell T. Joy releasing the State of California of and from any and all claims and demands in any manner arising on account of the purchase of said indemnity or scrip certificates, to draw his warrant upon said state school land fund in favor of Russell T. Joy for the amount herein appropriated, and the treasurer is hereby directed to pay the same.

## CHAPTER 702.

*An act appropriating money to pay the claim of Saint Francis Hospital, a corporation, against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, Saint Francis Hospital.

SECTION 1. The sum of four hundred and eighty dollars (\$480.00) is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of Saint Francis Hospital, a corporation, against the State of California, and the board of state harbor commissioners is hereby authorized, empowered and directed to issue its draft against the San Francisco harbor improvement fund for said amount in favor of said claim.

SEC. 2. The state controller is hereby authorized to draw his warrant for said sum, and the state treasurer is hereby directed to pay the same. *It is provided, however,* that before said warrant is issued there shall be filed with the state controller receipt in full for all claims or demands against the board of state harbor commissioners and the State of California, signed by said Saint Francis Hospital, a corporation.

## CHAPTER 703.

*An act appropriating money to pay the claim of the Southern Pacific Company, a corporation, against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, Southern Pacific Company.

SECTION 1. The sum of four hundred and seven and 50/100 dollars (\$407.50) is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of the Southern Pacific Company, a corporation, against the State of California, and the board of state harbor commissioners is hereby authorized, empowered and directed to issue its draft against the San Francisco harbor improvement fund for said amount in favor of said claim.

SEC. 2. The state controller is hereby authorized to draw his warrant for said sum, and the state treasurer is hereby directed to pay the same. *It is provided, however,* that before said warrant is issued there shall be filed with the state controller receipt in full for all claims or demands against the board of state harbor commissioners and the State of California, signed by said Southern Pacific Company, a corporation.

CHAPTER 704.

*An act making an appropriation for the location and survey of a state highway, to be known as the Pasadena state highway.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seventy-five hundred dollars (\$7500) for the location and survey of a state highway to connect the La Cañada valley in Los Angeles county with the Antelope valley in said county, to be known and designated as the Pasadena state highway.

Appropriation. highway, La Canada to Antelope

SEC. 2. The work of locating and surveying said highway shall be under the management and control of the state department of engineering, and it shall be the duty of the said department of engineering to start survey from a point about two miles northeast from La Cañada; thence following north and northwesterly the Arroyo Seco to a point east of Hoyt ranch; thence northeasterly following Tujungca canyon and Mill creek to Tie canyon; thence northwesterly by the way of Kennedy springs to Vincent, all in the county of Los Angeles, State of California.

CHAPTER 705.

*An act to amend section four thousand two hundred and eighty-one of the Political Code of the State of California, relating to the compensation of officers of counties of the fifty-second class.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and eighty-one of the Political Code of the State of California is hereby amended to read as follows:

4281. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of 52d class salaries of officers.

1. The county clerk, two thousand four hundred dollars per annum.

County clerk

2. The sheriff, to receive a flat salary of four thousand five hundred dollars per year, said officer to pay all expenses in running said office and to receive no mileage or fees in criminal cases.

3. The recorder, one thousand nine hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent of all licenses collected by him as license collector.

Assessor

7. The assessor, three thousand dollars per annum in full compensation for all services, save and except that he be allowed a deputy for four months beginning with March first and ending with June thirtieth, of each year at a compensation of seventy-five dollars per month; the salary of said deputy to be paid by the county.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of the peace.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than one thousand, one hundred dollars per month; in townships having a population of less than one thousand, twenty-five dollars per month; in addition to the fees that may now or hereafter be allowed by law, and may receive as expenses in maintaining their offices, such sums as may be necessary not to exceed twenty per cent of their salary. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

14. Constables, twenty-five dollars per month, and in addition thereto, each constable shall be paid out of the treasury of the county, for traveling expenses, outside of his own township for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law.

For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. Each member of the board of supervisors, one thousand <sup>Supervisors.</sup> dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; which said salary and mileage shall be in full for all services.

16. In counties of this class, the official reporter of the <sup>Reporter.</sup> superior court shall receive a salary of seventy-five dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

17. Grand jurors, and jurors in the superior court in <sup>Jurors.</sup> criminal cases, shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

19. For attending as a witness in criminal cases only, in <sup>Witnesses.</sup> any justice's court of the county, for each day's attendance the sum of one dollar and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each witness, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

## CHAPTER 706.

*An act appropriating money to enable the state normal school at Los Angeles to hold Saturday sessions.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation Los Angeles Normal Saturday sessions.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law by the trustees of the Los Angeles State Normal School to defray the extra expense incurred by said school in holding Saturday sessions. Of the total amount hereby appropriated, the sum of twenty-five hundred dollars shall be available for expenditure during the sixty-seventh fiscal year, and the remaining twenty-five hundred dollars shall be available for expenditure during the sixty-eighth fiscal year.

## CHAPTER 707.

*An act to authorize the payment of the claim of Addie Zschockelt against the State of California, and making an appropriation therefor.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, Addie Zschockelt.

SECTION 1. The sum of three hundred forty-seven and fifty-four one-hundredths dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Addie Zschockelt against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Addie Zschockelt for said sum, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 708.

*An act to amend an act entitled, "An act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class," approved June 16, 1913.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, fourteen hundred dollars per annum. County clerk
2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies.
3. The recorder, sixteen hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. Recorder
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twenty-one hundred dollars per annum.
8. The district attorney, two thousand one hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided: In townships having a population of three thousand or more, fifty dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county Justices of the peace

treasury, as the fees of county officers are paid in. In townships having a population under three thousand, twenty-five dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

Constables. 14. Constables, such fees as are now or may be hereafter allowed by law.

Supervisors 15. Each member of the board of supervisors, five hundred dollars per annum; thirty cents per mile one way in attending the meetings of the board. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

Reporter. 16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts and coroners' inquests, a per diem of ten dollars, during employment, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription and said per diem in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases said per diem to be paid by the litigants as the court may direct and said compensation for transcription of said notes to be paid by the party ordering the same, or when ordered by the judge, by either party or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

17. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Jurors. 18. Jurors' fees: For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars. For attending justice's court, in civil cases only, per day, two dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty cents.

19. Witness fees: For each day's actual attendance, when <sup>Witnesses</sup> legally required to attend upon the superior court, per day, two dollars. For each day's actual attendance, when legally required to attend before a grand jury, per day, two dollars. For each day's attendance upon a justice's court, in civil cases only, when legally required to attend, per day, two dollars. For each mile actually traveled in attending court as a witness, in going only, per mile, twenty cents. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

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CHAPTER 709.

*An act to appropriate money to pay the claim of Ralph S. Roberts against the State of California.*

[Approved June 9, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of forty-five dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of Ralph S. Roberts against the State of California. Appropriation claim, R. S. Roberts.

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CHAPTER 710.

*An act appropriating money to pay the claim of Johan Alfred Matsson against the State of California.*

[Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of two thousand dollars is hereby appropriated out of the San Francisco harbor improvement fund to pay the claim of Johan Alfred Matsson against the State of California. Appropriation: claim, J. A. Matsson

SEC. 2. The state controller is hereby directed to draw his warrant in favor of Johan Alfred Matsson, for said sum of two thousand dollars, upon said fund and the state treasurer is hereby directed to pay the same.

## CHAPTER 711.

*An act appropriating money to pay the claim of R. A. Sarle against the State of California*

[Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim,  
R. A. Sarle

SECTION 1. The sum of one hundred and sixty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of R. A. Sarle against the State of California, and the state controller is hereby directed to draw his warrant in favor of R. A. Sarle for said sum of one hundred and sixty dollars, and the state treasurer is hereby directed to pay the same.

## CHAPTER 712.

*An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof.*

[Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

Standard  
apple act.

SECTION 1. This act shall be known, and for any and all purposes may be referred to, as "the standard apple act of 1915."

To what  
applicable.

SEC. 2. The provisions of this act shall be applicable to all apples packed, shipped, delivered for shipment, offered for sale or sold in the State of California, in any container upon which or the label of which the word "standard" is used as the brand or label or any part thereof, or as qualifying the pack, container, or the contents of the container, and to such container.

Use of word  
"standard."

SEC. 3. No apples shall be packed, shipped, delivered for shipment, offered for sale or sold, in the State of California, in any container upon which or the label of which the word "standard" is used as the brand or label or any part thereof, or as qualifying the pack, container or the contents of the container, unless such apples and such container shall comply with all of the requirements of this act.

Standards  
established.

SEC. 4. The following standards for apple boxes and for the packing, labeling and branding of apple boxes to which this act is made applicable, are hereby established:

(a) The standard container shall be a box of the following dimensions inside measurements, when measured without distention of its parts:

Depth of end, ten and one-half inches; width of end eleven and one-half inches; length of box, eighteen inches; and having a cubical content of as nearly as possible, two thousand one hundred seventy-three and one-half cubic inches; *provided*, that a smaller box may be used if plainly marked, on one side and on the labeled or branded end with the words "short box."

Container

(b) No statement, design, or device, appearing upon any box within which apples are contained, or upon the brand, or lining thereof, or upon the wrapper of any apple, or upon any sign, or placard used in connection therewith, and having reference to or regarding the box or the apples contained therein, shall be false or misleading in any particular.

No false statement

(c) Every box, within which apples are contained, shall bear upon the outside of one or both ends thereof, in plain words or figures, and in the English language, the following statement: The number of apples in the box: the style of pack used; the variety of the apples contained, unless the variety be unknown to the packer, in which case the variety shall be stated as "unknown;" the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and, if re-packed, the name and address of the person, firm, company, organization, or corporation who re-packed, or caused the same to be re-packed; the name of the locality where said apples were grown; the date when such apples were first packed; if the apples have been re-packed, the date of re-packing; and the stamp hereinafter provided for, canceled as required by the state commissioner of horticulture of California. A variation of three apples more, or less, than the number stated, shall be allowed.

Statement on each box.

(d) The apples contained within each box shall be well grown specimens of one variety, hand picked, well colored for the variety, reasonably uniform in size, properly matured, well packed, and practically free from dirt; and shall be free from insect pests, diseases, rot, insect bites, bruises and other defects, except such bruises and defects as are necessarily caused in the operation of packing: *provided, however*, that a variation from the standard as to insect pests, diseases, rot, insect bites, bruises, and other defects, shall be allowed, not to exceed ten per cent total such defects, nor to exceed three per cent of any one such defect.

Quality of fruit.

SEC. 5. The state commissioner of horticulture of California shall be charged with the enforcement of the provisions of this act, and for that purpose shall have power:

Powers of horticultural commissioner

(a) To enter and to inspect every place within the State of California where apples are packed, shipped, delivered for shipment, offered for sale or sold, and to inspect all apples and apple boxes found in any such place.

(b) To design, and cause to be printed or lithographed, suitable uniform stamps to be used on apple boxes, as required by section 4 of this act, to sell the same as hereinafter provided, and to prescribe the method of canceling the same.

(c) To appoint, superintend, control, and discharge, such inspectors, in accordance with the provisions of the civil service law of the state, for the special purpose of enforcing the provisions of this act, as in his discretion may be deemed to be necessary, and in conjunction with the board of control, to fix their compensation, provided that no inspector shall be paid more than five dollars per day.

(d) Personally, or through any deputy or any such inspector, to seize and retain possession of, any apples or apple boxes packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act.

(e) In the name of the people of the State of California to cause to be instituted and to prosecute, in the superior court of any county or city and county of the State of California, in which apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, may be found, an action or actions for the condemnation of apples as provided in section 11, of this act.

Sale of  
stamps.

SEC. 6. The stamps designed and provided by the state commissioner of horticulture of California, as provided by section 5 of this act, by him shall be placed on sale and sold to any person who may apply therefor, at the price of one-half cent each. All moneys received by him from the sale of such stamps shall be paid over to the treasurer of the State of California, who shall deposit the same to the credit of a fund to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the state commissioner of horticulture of California and by the board of control.

Stamp  
attached  
to box.

SEC. 7. One such stamp, canceled as required by the state commissioner of horticulture, shall be attached by the packer to the labeled or branded end of every box of apples to which this act is made applicable; and no box to which such stamp is attached shall be used as the container of any apples, other than those originally packed therein, until such stamp has been removed therefrom; *provided*, that where a single lot of not to exceed one carload of six hundred forty boxes of apples, the containers of which bear such stamps, are re-packed without the addition of new stock, the same boxes may be used without removing the stamps.

Inspectors

SEC. 8. The inspectors appointed by the state commissioner of horticulture of California, as in section 5 hereof provided, shall be citizens of the United States, and of the State of California, not less than twenty-one years of age, shall be skilled in the inspection of apples, and have a thorough knowledge of insect pests and diseases commonly preying upon such fruit; they shall have power to enter and to inspect every place within the State of California where apples are packed, shipped, delivered for shipment, offered for sale or sold, and to inspect all apples and apple boxes found in any such place; and shall perform such duties as may be prescribed by the state commissioner of horticulture of California, or by law.

The said commissioner shall assign such inspectors to such territory, within the state, as he may see fit; *provided*, that when the stamps purchased for any year by packers in any town, city or district, shall yield a sum of money sufficient to pay the expense thereof, such commissioner shall assign one inspector or more for special duty in such town, city or district, during the packing season of that year.

SEC. 9. No person, firm, company, organization or corporation, shall refuse to permit the state commissioner of horticulture of California, or any of his duly appointed deputies, or any inspector duly appointed by said commissioner under the provisions of this act, to enter or to inspect any place within the State of California where apples are packed, shipped, delivered for shipment, offered for sale or sold, or to inspect any apples or apple boxes found there.

Inspection authorized

SEC. 10. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

Penalty

SEC. 11. Any apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, and the boxes within which they are contained, shall be deemed to be a public nuisance, may be seized and by order of the superior court of the county or city and county within which the same may be found, shall be condemned and destroyed or released upon such conditions as the court in its discretion may impose to insure that they will not be packed, shipped, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act.

Offering apples in violation of act

SEC. 12. No person, firm, company, organization or corporation, shall be convicted of a violation of any provision of this act, if he shall establish a guaranty, signed by the person, firm, company, organization, or corporation, residing or lawfully engaged in business in the State of California, by or for whom the apples in question were originally packed, or re-packed, to the effect that the apples, box, brand and label in question comply in all respects with the provisions of this act, and, in addition, shall establish that the same are in substantially the same condition, in every respect, as they were when they were delivered out of the possession of such packer, and that the accused was not aware that such apples, box, brand or label, were or was in any respect in violation of any provision of this act. The signature to such guaranty may be printed, when done by the authority of the signer.

Guarantee of compliance with act

To afford protection, such guaranty, in form and substance, must be substantially as follows:

“The undersigned guarantees that (this box of apples or the boxes of apples mentioned in this, or the attached invoice, or all boxes of apples packed or re-packed by the undersigned, and bearing the word ‘standard,’ as the case may be) comply,

Form of guarantee

in all respects with the standard apple act of 1915. (Signature of the packer, with statement as to whether packer is firm, company, organization or corporation and business address.)”

Where the guaranty is used on each separate box, it may consist of the legend, “guaranteed by the packer, under the standard apple act of 1915,” printed, stamped or written on the labeled or branded end of the box.

Duty of  
district  
attorney.

SEC. 13. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation, and also, at the request of the state commissioner of horticulture, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act.

Unlawful  
act not made  
lawful.

SEC. 14. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled, “An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor,” approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health.

Appropriation.

SEC. 15. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the payment of the cost of printing, stationery, stamps, clerical assistance, traveling expenses, and salaries of inspectors, incurred by the state commissioner of horticulture in the enforcement of this act during the fiscal year commencing July 1, 1915. The state controller is hereby authorized to draw his warrants for the sum herein appropriated in favor of said commissioner and the state treasurer is hereby directed to pay the same.

## CHAPTER 713.

*An act to provide for the creation of the state commission market, and the organization thereof, to carry on the business of receiving from the producers thereof the agricultural, fishery, dairy and farm products of the State of California and selling and disposing of such products on commission, creating the “state commission market fund” and appropriating money therefor*

[Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

State  
commission  
market  
created.

SECTION 1. There is hereby created the state commission market, a state organization to carry on the business of receiving from the producers thereof, the agricultural, fishery,

dairy and farm products of the State of California and the selling and disposing of the same on commission, as herein provided.

SEC. 2. The state commission market shall be under the management and control of a governing body of one person, to be known as the state commission market director, who shall be appointed by the governor of the State of California

Director.

SEC. 3. The commission market director shall establish and maintain in any and all cities and towns in the state where and when the conditions are in his judgment most suitable, depots or stations to be used as commission markets, for the receiving, care, sale and distribution of the agricultural, fishery, dairy and farm products of California, and the director shall establish and maintain an executive office or headquarters at Sacramento.

Commission markets established

SEC. 4. The commission market director shall make all necessary rules and regulations, and change the same when necessary, for the operation and carrying on of the state commission market, and shall print the rules for free distribution to all persons who wish to avail themselves of the privileges of the market, whether buyers or sellers, and all buyers and sellers shall conform to such rules and regulations in order to claim any right under this act

Rules and regulations

SEC. 5. All producers of agricultural, dairy or farm products, or products manufactured or processed therefrom, or fishery products, which shall have been grown, raised, produced, processed or manufactured within the State of California, or caught in the territorial waters thereof, shall have the right to consign and deliver such products to the state commission market, at any of its depots or branches, for sale and distribution.

Right to consign products to markets

SEC. 6. The state commission market shall receive and care for all produce consigned and delivered to it under the provisions of this act, and shall sell and distribute to dealers, consumers and all buyers such products to the best possible advantage of the producer; and, to the end that the state commission market be self supporting, shall charge a commission for the handling of all products in an amount which in the judgment of the director is just and reasonable. All settlements with producers shall be made once a month or oftener, and the market shall retain the commission charged.

Market to receive products and charge reasonable commission

SEC. 7. The director shall have power to rent, lease, occupy and use all such lands and buildings as may be needed in the business of the market or any of its branches, and may provide the same with a sufficient force of officers, clerks, and other employees, as may be deemed necessary to carry out the provisions of this act, and shall rent or purchase, and use all equipment, appliances, horses, mules, trucks or wagons, and all supplies necessary for the carrying on of said business.

Power to rent buildings

SEC. 8. The market shall have a bureau of correspondence for gathering and disseminating information on all subjects relating to the marketing of California products, and shall

Bureau of correspondence

issue booklets thereon, and by every practicable means keep the producers informed of the supply and demand and at what market their products can best be handled.

Term of  
director,  
salary

SEC. 9. The term of office of the director shall be four years or until his successor be appointed by the governor, and the annual salary of the director shall be five thousand dollars. The first appointment of director shall be made upon this act going into effect. The legislature, by a two-thirds vote, may remove the director for misconduct, neglect of duty, or incompetency.

Secretary

SEC. 10. The state commission market shall have a secretary, who shall be appointed by the director and hold office at his pleasure, and shall perform such duties as he may prescribe. The annual salary of the secretary shall be three thousand six hundred dollars.

Seal

SEC. 11. The market shall have a seal, bearing the inscription "State Commission Market of California," which seal shall be affixed to all such instruments as the director shall require.

Salaries of  
employees

SEC. 12. The salaries of the director and secretary shall be paid to them in the same manner as are the salaries of other state officers.

The salary or compensation of all other persons holding office or employment under the director, at the head office or at any of the branches of the state commission market, shall be fixed by the director and shall be paid monthly from the state commission market fund, as hereinafter provided, and after being approved by the director upon claims therefor to be audited by the state board of control.

Expenses

All expenses incurred by the director pursuant to the provisions of this act, including actual and necessary traveling expenses, and other disbursements of the director, his officers and employees, incurred while on business of the market, shall be paid from the market fund in the same manner.

Director to  
devote whole  
time to  
office

SEC. 13. The director shall not engage in any other line of business during his term of office, but shall devote his whole time, attention, and ability to the duties of his office. The director shall not hold any stock or other interest whatsoever in any produce commission business.

Fund  
created

SEC. 14. There is hereby created a fund to be known as the "state commission market fund." All fees, charges and costs collected by said market under this act shall be paid into the treasury of the state to the credit of such fund. All appropriation made by this act or any subsequent act for the use of the market, shall be placed to the credit of such fund. All expenses of whatsoever nature, incurred by the market under the provisions of this act, shall be paid from the said fund, after being approved by the director, upon claims therefor to be audited by the board of control.

Appropriation.

SEC. 15. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of

twenty-five thousand dollars. to be used by said director in establishing and carrying on the state commission market provided for by this act.

SEC. 16. The director shall make and submit to the gov-<sup>Report</sup>ernor, on or before the first day of December of each year, a report, containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions and recommendations as may be deemed of value to the people of the state.

SEC. 17. The director, before entering upon the duties of<sup>Official bond</sup> his office, shall make and execute to the people of the State of California an official bond in the sum of fifty thousand dollars, for the faithful performance of the duties of his office. The director may require of the officers and employees such bonds for the faithful performance of their duties, as in his judgment may be necessary.

SEC. 18. Sufficient commission for the handling of produce<sup>Revolving fund</sup> shall be charged by the market to gradually build up a revolving fund in a sum equal to the original appropriation, such fund to be used as required in the operation or extension of the market.

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CHAPTER 714.

*An act appropriating money to pay the claim of A. B. Hooke against the State of California*

[Approved June 10, 1915 In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of two hundred seventy dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of A B Hooke against the State of California.<sup>Appropriation claim, A B Hooke</sup>

SEC. 2. The state controller is hereby directed to draw his warrant in favor of A. B. Hooke for said sum of two hundred seventy dollars and the state treasurer is hereby directed to pay the same.

## CHAPTER 715.

*An act to amend sections two, six, eight, eleven, twelve and thirteen of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the constructions therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," (approved March 21, 1907).*

[ Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 Section two of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, is hereby amended to read as follows:

Specifications  
for work.

Sec. 2. Before any resolution of intention is passed under this act, specifications for work substantially the same as that described in the resolution of intention and for a district to be benefited by said work substantially the same as that described in the resolution of intention, shall be furnished by some competent person who shall have been designated by the board of supervisors for that purpose, by a resolution to be entered by the clerk upon the minutes of said board. Except where there is already an official grade established in as a part of such specifications grades shall be specified for all roads, streets, avenues, boulevards, lanes and alleys or portions thereof, proposed in said resolution of intention to be improved, so far as the same are so proposed to be improved. If any official grade has already been adopted or established for any of said roads, streets, avenues, boulevards, lanes or alleys proposed to be improved, it shall be lawful in said specifications to provide for new or different grades therefor from those already established or adopted.

Description  
of work and  
district

Neither the work nor the district need be described in the resolution appointing such person except so far as may be sufficient to identify the work and district for which the

specifications are prepared, and for such purpose it shall suffice to designate the same as "in the matter of road district improvement No.----- and resolution of intention No.-----" (inserting the same number in both blanks).

Such specifications shall include an estimate of the aggregate amount of the cost of the work inclusive of incidental expenses and of the procedure. Such specifications shall be signed by the person designated to furnish them and be filed with the clerk of the board of supervisors. Estimate of cost

Sec. 2. Section six of the said act is hereby amended to read as follows:

Sec. 6. Unless the power to proceed shall have ceased, as herebefore provided, the board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding that a majority of the owners of land within the district described in the resolution of intention have not before the day of the hearing filed written objection, going to the ordering of the work to be done, and determining the boundaries of the district to be benefited by the improvement, and the grades thereon. If no changes be made in the boundaries of the district as the same are set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention, but if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth. Declaration of findings

If no change be made as to the grades, as set forth in the specifications on file, it shall be sufficient to state that the grades of the same, as finally determined, are those set forth in such specifications. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purpose of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; and the grades so determined shall be the grades of the district for all the purposes of the proceeding and the "official grade" within the meaning of section one of this act; *provided, however*, that the boundaries of the district, as the same are set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within its boundaries as set forth in that resolution, nor so that the place or locality of any work described in such resolution of intention shall be excluded from the boundaries of the district as so finally determined. Grades and boundaries determined

In like manner the board of supervisors may order the work to be done, and if it so do, shall fix a time for receiving proposals or bids for doing the work, and direct the clerk to give notice accordingly, inviting sealed proposals or bids. Such notice shall include a statement that the work is to be done "under the provisions of the road district improvement act of 1907," and according to the specifications on file therefor, except in so far as the grades specified therein shall have been Time for receiving bids

fixed otherwise by the board of supervisors in conclusion of the hearing in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the intention of bidders is hereby directed, and by this reference made a part of this notice.

SEC. 3. Section eight of the said act is hereby amended to read as follows:

Owners may  
file notice  
of irregu-  
larity.

Sec. 8. At any time within ten days from the date of the first publication of the notice of award of contract any owner of, or other person having any interest in any lot or land within the boundaries of the assessment district who claims that any of the previous acts or proceedings relating to said improvement are irregular, defective, erroneous or faulty may file with the clerk of the board of supervisors a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. All objections to any act or proceedings prior to the first day of publication of the aforesaid notice of award in relation to said improvement not made in writing, and in the manner and at the time aforesaid, shall be waived. It is the intent of this section that any person failing to file such notice within the time specified shall be deemed to have intentionally waived every objection to the regularity or validity of such acts or proceedings. If, for fifteen days after the first publication of said notice of award, the bidder to whom the contract was awarded, fails, neglects or refused to enter into the contract, the board of supervisors may direct the clerk of the board to give notice inviting sealed proposals and bids and thereupon the board shall proceed as in the first instance, and as in the case of the default of the first awardee, so also in the event of the second.

SEC. 4. Section eleven of said act is hereby amended to read as follows:

Resolution  
of accep-  
tance

Sec. 11. Whenever upon the hearing in section 10 aforesaid provided, whether at the first or any continued hearing, it shall be the opinion of the board of supervisors that the work has been completed and done according to the contract, said board shall by resolution to be entered upon its minutes so declare, and that the work is accepted, and shall in said resolution state the amount of the contract price for the doing of the work specified and performed, and the amount of the incidental costs and expenses of the work and proceedings which are to be charged against and to be paid by the contractor and the aggregate amount for which bonds are to be issued as hereinafter provided, inclusive of said contract price and said incidental costs and expenses. The decision and determination of said board of supervisors at the hearing provided for in section 10 hereof shall be final and conclusive as to all matters determined at said hearing, and as to all errors, informalities, irregularities, or omissions which said board of supervisors might have avoided or remedied during the progress of the proceedings, or which it

Decision  
final

can at that time remedy, upon all persons entitled to be heard before said board on said matters, and no assessment or tax thereafter levied for the payment of the bonds to be issued for said work and expenses shall be held invalid by any court for any error, informality, omission or other defect in the proceedings where the resolution of intention has been actually published as in this act provided, before the said board shall have ordered the work to be done.

SEC. 5. Section twelve of said act is hereby amended to read as follows:

Sec. 12 Upon the expiration of twenty days from the making of the final order mentioned in section 11 of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form and shall in substance be as indicated following, to wit:

Bonds to be issued.

ROAD DISTRICT IMPROVEMENT BOND.

Road district improvement bond.

County of \_\_\_\_\_, State of California.

Road improvement district No. \_\_\_\_\_

\$\_\_\_\_\_ Bond No. \_\_\_\_\_

Under and by virtue of an act of the legislature of the State of California, known as the "road district improvement act of 1907" (here may be inserted a further designation of the act, if desired) the county of \_\_\_\_\_, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said county, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, the sum of \_\_\_\_\_ dollars, in gold coin of the United States of America, with interest thereon, in like gold coin, at the rate of \_\_\_\_\_ per cent per annum, payable semiannually on the second day of January and the second day of July of each year from the date hereof, (except the last installment thereof, which shall be payable at maturity of this bond), upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity to the provisions of the above mentioned "road district improvement act of 1907" and the amendments thereof, and is one of a series of bonds of like date and effect numbered from 1 to \_\_\_\_\_ consecutively, amounting in the aggregate to \_\_\_\_\_

dollars, issued in behalf of road improvement district No. ---- of said county, which constitute the only indebtedness of said district. It is hereby certified, recited, and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of road district improvement fund No. ----- exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise; but in accordance with said act the board of supervisors of said county will annually, at the time of levying other taxes, levy upon all the land in said road improvement district a special assessment tax in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed, and said interest coupons to be signed by the said treasurer this ----- day of -----, 19-----

-----  
Chairman of the board of supervisors of the  
county of -----

(SEAL OF BOARD OF  
SUPERVISORS.)

Countersigned:

-----  
Treasurer of the county of -----

Signatures  
on bonds.

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the term thereof as prescribed in said form. The interest coupons attached to said bonds shall be in such form as the said treasurer may determine, subject to the provisions of this act and the determination made by the board of supervisors, and their signature by said treasurer alone, by either written or lithographed or printed facsimile signature, shall be sufficient. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

Life of  
bonds.

Interest.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year, which part shall be the same for each of the years covered by the bond issue.

The interest payments on said bonds shall be payable semi-annually, on the second days of January and July of each year, (except the last installment, which shall be payable at maturity of the bonds), in the manner indicated in said form of bond, and the interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars

Interest payments

SEC. 6. Section thirteen of said act is hereby amended to read as follows:

Sec. 13. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings prior thereto under this act, and after the same are issued, no tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be illegal or set aside or refunded by reason of any informality, irregularity, omission or defect in any of the proceedings prior to the issuance of said bonds, nor shall any action be maintained to cancel or set aside said bonds, or to prevent the payment thereof, or the levy or the collection of a tax for such payment.

Lawrence of regularity

A special fund to be named "road district improvement fund No.-----" (the number to be that of the district) for the discharge and payment of such bonds and the interest thereon, shall be constituted as follows, to wit: There shall each year at the time of the general tax levy for state and county taxes, be levied against and upon all of the land (not including improvements) within said road improvement district No.-----, (being the district established and bounded in the order ordering the work to be done) a special assessment tax, in an amount clearly sufficient, together with any moneys which are or may be in said fund to pay all the principal which has become or will become due, and all interest which has become or will become payable, on said bonds, before the proceeds of another tax levy made at the time of the general tax levy for state and county purposes, can be made available for the payment of such bonds.

Special fund.

The board of supervisors shall annually, at the time of making the said tax levy, transfer from the general road fund of the county to said road district improvement fund No. ----, such amount as in the judgment of said board is a fair proportion of the said general road fund.

In any event it shall be the duty of said board of supervisors to levy a special assessment tax upon all lands within said road district, sufficient to pay the principal and interest of said bonds as the same shall become payable, and the board of supervisors is hereby vested with power to do all and singular the things which in this section aforesaid it is

Levy of special tax

Transfer  
from general  
fund

declared shall be done. Whenever any of said bonds or any interest thereon shall become due and there shall not be sufficient money in said road district improvement fund to pay same, the board of supervisors may, pending the levy and collection of a tax therefor, order the amount of money necessary to pay the bonds or interest so falling due, to be transferred from the general fund to said road district improvement fund, and the amount of money so transferred shall be deemed a loan to said road district improvement fund, and shall be repaid to the general fund from the first money coming into said road district improvement fund thereafter. The special assessment taxes provided for herein shall be levied and collected in the same mode and manner and by the same officers as the ordinary county taxes, and all laws applicable to the levy, collection and enforcement of such county taxes, are hereby made applicable to said special taxes.

#### CHAPTER 716.

*An act to amend section two of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.*

[Approved June 10, 1915 In effect August 9 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, is hereby amended so as to read as follows:

Cities may  
order streets  
improved

Sec. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion, either in length or width, of any one or more of the streets, avenues, lanes, alleys, courts, places, boulevards, highways, crossings, intersections or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection, or the distribution of a municipal water supply, tunnels, viaducts, conduits and subways, breakwaters,

levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same, the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, man-holes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and break waters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the streets, avenues, lanes, alleys, courts, public ways and other property in any such city, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places or public ways or property or rights of way of such city, including the acquisition, construction, reconstruction, extension, maintenance or repair of any public utility owned or proposed to be acquired by any municipal corporation, or the pipes, wires, conduits and other appliances and appurtenances for the operation thereof; *provided*, that such acquisition of any public utility already installed, and any of the appliances and appurtenances thereof shall not be included in the same proceeding with any of the other improvements mentioned in this section.

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CHAPTER 717.

*An act to add a new section to the Political Code of the State of California to be numbered seventeen hundred sixty-four, relating to the county high school fund, and repealing sections seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code.*

[Approved June 10, 1915 In effect August 9, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered seventeen hundred sixty-four, and to read as follows:

1764. The county superintendent of every county, and every city and county, must, at least fifteen days before the first day of the month in which the supervisors of such county, or city and county, are required by law to levy the amount of taxes required for county, or city and county purposes,

Estimate of  
high school  
fund needed

furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of the county, or the city and county, high school fund needed for the current school year. This amount he shall estimate in the following manner: He shall allow sixty dollars for each pupil residing in his county, in average daily attendance upon a duly established high school of his county or an adjoining county; *provided*, that he shall not include in such estimate the average daily attendance of any pupil attending high school in an adjoining county, unless such pupil resides in a joint union high school district, or unless the attendance of such pupil has been approved in writing by the superintendent of schools of the county in which he resides. To the amount thus estimated he shall add an amount sufficient to reimburse all the high school districts of his county, for money actually expended by them for transportation of pupils living in territory in the county not included in any high school district, and attending the high schools of the county; *provided*, that the high school board of each high school district educating such pupils shall, on or before August fifteenth, file with the superintendent of schools a statement showing the names, and total number of months attendance of all such pupils, and the total amount expended for their transportation; *and provided, further*, that the superintendent of schools shall not include in such estimate, an amount for transportation exceeding five dollars per month for each pupil so attending; *provided, further*, that if this amount is less than sufficient to raise a sum equal to two hundred and fifty dollars per teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year, then the minimum amount to be raised shall be two hundred and fifty dollars for each teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year. Whenever a new high school district has been formed between the first day of May and the fifteenth day of August next preceding the date of the filing of said estimate, from territory lying wholly or partly within the county, the county superintendent of schools, in making such estimate, shall include on account of such new high school district, the sum of one thousand dollars or such proportion thereof as the assessed valuation of property in his county and in such new high school district, bears to the total assessed valuation of such high school district.

New high school district.

Levy of county high school tax.

The board of supervisors of such county, or city and county, must, annually, at the time and in the manner of levying other county taxes, levy and cause to be collected for the county, or city and county, high school fund, a tax to be known as the county high school tax, the minimum rate of which shall not be less than sufficient to raise the minimum amount estimated to be raised by the county superintendent as hereinbefore provided.

Before apportioning any of the county high school fund to the high school districts of his county, the county superintendent of schools shall draw an order on the county auditor against such fund in favor of the superintendent of schools of any adjoining county in which pupils from his county are attending high school, for an amount computed at sixty dollars per pupil in average daily attendance for all such pupils; *provided*, that the superintendent of schools of such adjoining county shall file with the county superintendent of schools, on or before the fifteenth day of August, a report showing the names of pupils residing in the county and attending high school in such adjoining county, and the total average daily attendance of all such pupils during the preceding school year. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the high school or schools educating the children from the county paying such money. The superintendent of schools shall then apportion to each high school district within his county, an amount sufficient to reimburse said high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school during the preceding school year; *provided*, such amount shall not exceed five dollars per month for each pupil so attending.

Pupils attending in adjoining county.

The money paid into the county high school fund or money remaining after payments or apportionments hereinbefore required have been made shall be apportioned to the high school districts of the county by the superintendent of schools in the following manner: He shall first apportion to each new high school district as hereinbefore defined, one thousand dollars, and to each high school district, established previous to the first day of May next preceding on account of each full-time day high school maintained therein, two hundred and fifty dollars for each teacher employed for full time during the preceding school year, and on account of each evening high school maintained therein, one hundred and twenty-five dollars for each teacher employed for full time during the preceding school year; *provided*, that no high school shall receive an apportionment on this basis for more than four teachers; *and provided, further*, that no money shall be apportioned to any high school which does not employ for full time at least one teacher the first year, nor to any high school organized for two or more years which does not employ, for full time, at least two teachers. The remaining funds the county superintendent shall apportion among the high school districts pro rata upon the basis of average daily attendance during the preceding school year. Whenever a high school district lies partly in one county, and partly in another, the county superintendent must apportion to such district,

Apportionment to districts.

such proportion of the school money to which such district is entitled, as the number of pupils in average daily attendance, residing in that portion of the district situated in his county, bears to the total number of pupils in average daily attendance in the entire district, as shown by the principal's annual report for the preceding school year.

Availability  
of money.

All moneys apportioned to any high school district under the provisions of this section shall be available for the maintenance of any high school located in such district, for the current school year, and shall be paid out in the same manner that high school district funds are paid out. As provided elsewhere in this code, the high school board of any high school district may file with the board of supervisors an estimate of the amount of money, in excess of state and county moneys, required for building and maintenance of the high school of such district for the current school year. No charge for tuition shall be made in any high school district of this state.

Repealed

SEC. 2. Sections seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code are hereby repealed

## CHAPTER 718.

*An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act.*

[Approved June 10, 1915 In effect August 9, 1915]

*The people of the State of California do enact as follows:*

Department  
of petroleum  
and gas  
created

SECTION 1. A separate department of the state mining bureau is hereby established and created to be known as the department of petroleum and gas. Such department shall be under the general jurisdiction of the state mineralogist. He shall appoint a supervisor who shall be a competent engineer or geologist experienced in the development and production of petroleum and who shall be designated the "state oil and gas supervisor," and whose term of office shall be four years from and after the date of his appointment.

SEC. 2. For his services in the general supervision of said department the state mineralogist shall receive as compensation one thousand four hundred dollars annually which shall be in addition to his compensation fixed in section two of the act of June 16, 1913, relating to the state mining bureau. The supervisor shall receive an annual salary of four thousand five hundred dollars, and shall be allowed his necessary traveling expenses. The state mineralogist may appoint necessary clerks, stenographers, and assistants, and prescribe their duties and fix their compensation, within the amount limited in section forty-six hereof and subject to the civil service laws of the state.

State mineralogist's compensation.

Supervisor's salary.

The additional salary herein authorized to be paid to the state mineralogist and the salaries of the supervisor and of the deputies, clerks, stenographers, assistants and other employees shall be paid out of the funds hereinafter provided for at the times and in the manner that salaries of other state officers and employees are paid.

SEC. 3. It shall be the duty of the state oil and gas supervisor so to supervise the drilling, operation and maintenance and abandonment of petroleum or gas wells in the State of California, as to prevent, as far as possible, damage to underground petroleum and gas deposits from infiltrating water and other causes and loss of petroleum and natural gas.

Duty of oil and gas supervisor.

SEC. 4. It shall be the duty of the state oil and gas supervisor to appoint not more than four deputies and prescribe their duties, and fix their compensation. Such deputies shall serve during the pleasure of the supervisor. He may also employ an attorney and fix his compensation. The supervisor, the deputies, and the attorney shall not be subject to the civil service act.

Deputies

SEC. 5. Each deputy appointed by the supervisor shall be a competent engineer or geologist experienced in the development and production of petroleum. Each deputy shall be assigned certain districts or territory, and shall maintain an office in the district, convenient of access to the petroleum or gas operators therein. The office shall be open and the deputy shall be present at certain specified times which shall be posted at such office.

Qualifications

SEC. 6. It shall be the duty of each deputy, to collect all necessary information regarding the oil wells in the district, with a view to determining the presence and source of water in the oil sand, and to make all maps and other accessories necessary to determine the presence and source of water in the oil sands. This work shall be done with the view to advising the operators as to the best means of protecting the oil and gas sands, and with a view to aiding the supervisor in ordering tests or repair work at wells. All such data shall be kept on file in the office of the deputy oil and gas supervisor of the respective district.

Deputies' duties

SEC. 7. The records of any and all operators, when filed with the deputy supervisor as hereinafter provided, shall be open to inspection to those authorized in writing by such

Records open to inspection

operators, to the state officers, and to the board of arbitration hereinafter provided for. Such records shall in no case be available as evidence in court proceedings and no officer or employee or member of any board of arbitration shall be allowed to give testimony as to the contents of said records, except at such court proceedings as are hereinafter provided for in the review of the decision of the state oil and gas supervisor, or a board of arbitration, and in criminal proceedings arising out of such records, or the statements upon which they are based.

Tests and  
remedial  
work.

SEC. 8. It shall be the duty of the supervisor to order such tests or remedial work as is in his judgment necessary to protect the petroleum and gas deposits from damage by underground water, to the best interest of the neighboring property owners and the public at large. The order shall be in written form, signed by the supervisor, and served upon the owner of the well or his local agent, in the manner provided in section eleven hereof. The order shall specify the work necessary to protect such deposits from damage from underground waters. For this purpose each operator or owner shall designate an agent, giving his post office address, who resides within the county where the well or wells are located, upon whom all orders and notices provided for in this act may be served.

Owner's  
objections.

SEC. 9. The well owner, or his local agent, may within ten days from date of service of order from the supervisor, file with the supervisor, or his deputy in the district where the property is located, a statement that the supervisor's order is not acceptable and that arbitration of the subject is demanded.

Arbitration  
board.

SEC. 10. Arbitration of a question which has been the subject of an order by the supervisor shall be accomplished by a board of three members, as follows: (1) The owner of the well or his local agent shall name one member who shall not be directly or indirectly interested in the property, nor employed in its operation. (2) The owners, or their local agents, of wells within a radius of one mile from the affected well, shall name one member of the arbitration board, who shall not be directly or indirectly interested in the property nor employed in its operation. For this purpose the supervisor shall give written notice to each of the said owners or agents. The notice shall specify the time and place of meeting and the fact that it is for the purpose of choosing an arbitrator. The notice shall be published once in a newspaper of general circulation, published in the county where the meeting is to be held, and posted in a conspicuous place at the office of the deputy supervisor at least five days before the time of meeting, and a copy thereof mailed to each of such owners, or their local agents, at the address given, at least five days before the time of meeting. A majority of those attending such meeting shall be sufficient to choose such arbitrator. (3) The third member of the arbitration board shall be chosen by the other members, but if they fail to choose a third member within ten days after the selection of the first two members then such third

Notice of  
meeting.

member shall be chosen by the state mineralogist, and shall not be directly or indirectly interested in the property, nor employed in its operation. The arbitrators chosen as above specified shall each be paid ten dollars per day for each day of actual service, not to exceed thirty dollars each for any one case, upon warrants drawn upon the repair fund herein-after created, and approved by the state mineralogist. One-half of the cost of arbitration shall be paid by the person demanding it and the board of arbitration may, at its discretion, order that the entire cost of such arbitration shall be paid by such person if it finds that such arbitration has been demanded needlessly or not in good faith.

Arbitrators' compensation

SEC. 11. Upon receipt by the supervisor or deputy supervisor of a written complaint, signed by one-third of the individuals or corporations owning land or operating wells within a radius of one mile of any well, or group of wells, the supervisor must make an investigation of said well or wells and render a written order stating the work required to repair the damage complained of, or stating that no work is required. A copy of such order must be delivered to each of the complainants and, if the supervisor order the damage repaired, a copy of such order shall be delivered to each of the owners, or agents, having in charge the wells upon which the work is to be done. Service of such copies shall be by mailing to such persons at the post office address given. Within ten days after the date of mailing of such order any of such complainants may demand arbitration of the matter as provided in section 10 of this act. When said complaint is made by a single party against a well or wells, of which there is no financially responsible owner, the supervisor may order the necessary repair work, the expense of which shall be a charge against the complainant collectible as provided in section 14.

Investigation upon complaint

SEC. 12. In any proceedings before the board of arbitration herein provided for, the supervisor shall have the power to subpoena witnesses and to administer oaths; *provided, however*, that no person shall be required to attend upon such subpoenas, either with or without books, papers, documents or accounts, unless residing within the same county or within thirty miles of the place of attendance, but the supervisor may in such a case cause the deposition of witnesses residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books, papers, and documents at such places as he may designate within the limits herein-before prescribed. Witnesses shall be entitled to receive the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the supervisor, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before the board, it shall be the duty of the superior court or the judge thereof, on application of the

Power to subpoena witnesses

Witness fees

supervisor, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before the court.

Decision of  
board

SEC. 13. Within ten days after hearing the evidence the arbitration board shall make a written decision ordering such tests or remedial work as is deemed necessary to protect the oil sands from damage by infiltrating water. This written decision shall be served upon the owner or his agent and shall supersede and nullify the previous order of the supervisor provided for in section eight hereof. In case no written decision is made by a board of arbitration within thirty days after the date of notice by the supervisor, as provided in section ten hereof, the order of the supervisor shall be effective and subject only to review by writ of certiorari from the superior court as provided in section fourteen hereof.

Commence-  
ment of  
work

SEC. 14. On or before thirty days after the date of serving an order of the supervisor provided for in section eight hereof, or, in case of arbitration, on or before thirty days after date of serving the decision of the board, as provided in sections twelve and thirteen hereof, the owner shall commence in good faith the work ordered, and continue until completion. If the work has not been so commenced and continued to completion the supervisor shall appoint agents as he deems necessary, who shall enter the premises and perform the work. Accurate account of all such expenditures shall be kept and the amount paid from the fund hereinafter created upon the warrant of the state controller. Any amounts so expended shall constitute a lien against the property upon which the work is done. The decision of the board of arbitration or of the supervisor in such a case may be reviewed by writ of certiorari from the superior court of the county in which the district is situated, if taken within thirty days after the signing of the order. If no review is taken or, if taken, the decision of the board is affirmed, the lien upon the property shall be enforced in the same manner that other liens on real property are enforced and shall first be enforced against the owner of the well, against the operator and against the personal property and fixtures used in the construction or operation thereof, and then if there then be any deficiency, against the land upon which the work is done.

Wells to  
be cased

SEC. 15. It shall be the duty of the owner of any well now drilled, or that may be drilled, in the State of California, on lands producing or reasonably presumed to contain petroleum or gas to properly case such well or wells, with metal casing, in accordance with methods approved by the supervisor, and to use every effort and endeavor in accordance with the most approved methods to effectually shut off all water overlying or underlying the oil or gas-bearing strata, and to effectually prevent any water from penetrating such oil or gas-bearing strata.

Abandon-  
ment of  
wells

SEC. 16. It shall be the duty of the owner of any well referred to in this act, before abandoning the same, to use every effort and endeavor in accordance with methods approved by the supervisor, to shut off and exclude all water from

entering oil-bearing strata encountered in the well. The owner shall give written notice to the supervisor, or his local deputy, of his intention to abandon any well and the date when such work of abandonment shall begin. The notice shall be given to the supervisor, or his local deputy, at least fifteen days before such proposed abandonment. The owner shall furnish the supervisor, or his deputy, with such information as he may request, showing the condition of the well and proposed method of abandonment. The supervisor, or his deputy, shall before the proposed date of abandonment furnish the owner with a written order of approval of his proposal or a written order stating what work will be necessary before approval, to abandon, will be given. If the supervisor shall fail within the specified time to give the owner a written order such failure shall be considered as an approval of the owner's proposal to abandon the well

SEC. 17. The owner of any well referred to in this act shall, before commencing the work of drilling an oil or gas well, file with the supervisor, or his local deputy, a written notice of intention to commence drilling. Such notice shall also contain the following information: (1) Statement of location and elevation above sea level of proposed derrick and drill rig. (2) The number or other designation by which such well shall be known, which number or designation shall not be changed after filing notice provided for in this section, without the written consent of the supervisor being obtained therefor. (3) The owner's estimate of the depth of the point at which water shall be shut off. (4) The owner's estimate of the depth at which oil or gas producing sand or formation shall be encountered. The provisions of this section shall also apply, so far as may be, to the deepening or redrilling of any well.

SEC. 18. It shall be the duty of the owner of any well referred to in this act, to keep a careful and accurate log of the drilling of such well, such log to show the character and depth of the formations passed through or encountered in the drilling of such well, and particularly to show the location and depth of the water-bearing strata, together with the character of the water encountered from time to time (so far as ascertained) and to show at what point such water was shut off, if at all, and if not, to so state in such log, and show completely the amounts, kinds and size of casing used, and show the depth at which oil-bearing strata is encountered, the depth and character of same, and whether all water overlying and underlying such oil-bearing strata was successfully and permanently shut off so as to prevent the percolation or penetration into such oil-bearing strata; such log shall be kept in the local office of the owner or operator and subject to the inspection of the supervisor or any of his deputies at any time during business hours, and a copy of said log shall be filed with the deputy supervisor immediately upon the completion of said well and also a complete copy shall be filed with the deputy supervisor upon the completion of any additional work upon the well. The owner

of any well drilled previous to the enactment of this act shall furnish to the supervisor a complete and correct log of such well, so far as may be possible, together with a statement of the present condition of said well.

Notice of  
shut-off test.

SEC. 19. It shall be the duty of the owner of any well referred to in this act to notify the deputy supervisor of the time at which the owner shall test the shut-off of water in any such well. Such notice shall be given at least five days before such test. The deputy supervisor shall be present at such test and shall himself note in the log book the result thereof. If any test shall be unsatisfactory to him he shall notify the owner of that fact.

Statement  
of oil  
produced.

SEC. 20. It shall be the duty of every person, association or corporation, producing oil in the State of California, to file with the supervisor at his request but not oftener than once in each month a sworn statement of the amount of oil produced, during the period indicated, its gravity and the number of wells drilling, producing, idle, or abandoned. This information shall be in such form as the supervisor may designate.

Penalties.

SEC. 21. Any owner or operator of a well referred to in this act, or employee thereof, who refuses to permit the supervisor, or his deputy, to inspect the same, or who wilfully hinders or delays the enforcement of this act, and every person, firm, or corporation, who violates any provision of this act, is guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail for not less than thirty days, or by both such fine and imprisonment.

Charges for  
support of  
department.

SEC. 22. Charges levied, assessed and collected as hereinafter provided upon the properties of every person, firm, corporation or association operating any oil well or wells for the production of petroleum in this state, or operating any well or wells for the production of natural gas in this state which gas wells are situate in counties having producing petroleum wells chargeable under this act, and on lands situate within two miles, as near as may be, of any petroleum or gas well the production of which is chargeable under this act, shall be used exclusively for the support and maintenance of the department of petroleum and gas hereinbefore created, and shall be assessed and levied by the state mineralogist, and collected in the manner hereinafter provided.

Annual  
charge on  
oil produced.

SEC. 23. Every person, firm, corporation or association operating any petroleum well or wells in this state shall annually pay a charge to the state treasurer at a uniform rate per barrel of petroleum produced for the preceding calendar year at the time and in the manner hereinafter provided, based upon a verified report as herein provided.

Annual  
charge on  
gas

SEC. 24. Every person, firm, corporation or association operating any gas well or wells in this state shall annually pay a charge to the state treasurer based upon the amount of

gas sold in the preceding calendar year at a fixed rate per thousand cubic feet, which rate shall be based upon the proportionate benefits resulting to the property so assessed by reason of the expenditures made under this act, in the county, in which each such well is located. Said charge shall be based upon a verified report as herein provided; *provided, further,* that no charges shall be assessed, levied, or collected from any person, firm, corporation, or association operating a gas well or wells in any county in which there exist no producing petroleum wells to be assessed under the provisions of this act.

SEC. 25. Every person, firm, corporation or association owning any oil land, as determined by the supervisor, shall annually pay a charge to the state treasurer at the time and in the manner hereinafter provided, which charge shall be a uniform rate per acre. Said charge shall be based upon a verified report as provided herein; *provided, however,* that such lands so assessed shall not be called upon to pay more than one-tenth of the total charges or moneys proposed to be assessed, levied and collected under the provisions of this act for any one year.

Annual charge per acre

SEC. 26. The charges assessed, levied and to be collected under the provisions of this act shall be in addition to any and all charges, taxes, assessments or licenses of any kind or nature paid by or upon the properties assessed hereunder.

In addition to taxes

SEC. 27. The state mineralogist shall annually, on or before the first Monday in March, acting in conjunction with the state board of control, make an estimate of the amount of moneys which shall be required to carry out the provisions of this act.

Estimate of moneys required

SEC. 28. The state mineralogist shall prescribe the form and contents of all reports for making the charge or other purposes to carry out the intent and provision of this act, which form shall be mailed in duplicate to the person, firm, corporation or association owning property or assessed under the provisions of this act.

Form of report prescribed

SEC. 29. Every person, firm, corporation or association chargeable under the provisions of this act, shall within ten days after the first Monday in March of each year, report to and file with the state mineralogist, a report in such form as said officer may prescribe, giving any and all items of information as may be demanded by said report, and necessary to carry out the provisions of this act, which report shall be verified by such person or officer as the state mineralogist may designate.

Annual report of corporations

SEC. 30. If any person, firm, corporation or association chargeable under the provisions of this act shall fail or refuse to furnish the state mineralogist within the time prescribed in this act the verified report provided for in this act, the state mineralogist must note such failure or refusal in the record of assessments hereinafter in this act provided for, and must make an estimate of the petroleum or gas production, or

Failure or refusal to act

landed area to be assessed of any such person, firm, corporation or association and must assess the same at the amount thus estimated and compute the charge thereon, which assessment and charge shall be the assessment and charge for such year. And if in the succeeding year any such person, firm, corporation or association shall again fail and refuse to furnish the verified report required by this act, the state mineralogist shall make an estimate as aforesaid, which estimate shall not be less than twice the amount of the estimate made by him for the previous year, and shall note such failure or refusal as above provided, and the said estimate so made shall be the assessment or charge for said year. In case of each succeeding consecutive failure or refusal the said state mineralogist shall follow the same procedure until a true statement or report shall be furnished.

Penalty

SEC. 31. Any person, firm, corporation or association failing or refusing to make and furnish any report prescribed in this act or rendering a false or fraudulent report shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding one thousand dollars for each such offense.

Extension  
of time  
of reports

SEC. 32. The state mineralogist may, for good cause shown, by order entered upon his minutes, extend for not exceeding thirty days, the time fixed in this act for filing any report herein provided for.

Determination  
of rate

SEC. 33. On or before the third Monday before the first Monday in July the state mineralogist shall determine the rate or rates which, when applied to the assessments provided for in this act, shall produce the sum necessary to be raised as provided in section twenty-seven of this act. Within the same time the said state mineralogist shall extend in the proper column of the record of assessments hereinafter provided for the amount of charges due from each person, firm, corporation or association.

Assessments.

SEC. 34. Between the first Monday in March and the third Monday before the first Monday in July in each year, the state mineralogist must assess and levy the charges as and in the manner provided for in this act. The assessments must be made to the person, firm, corporation or association owning or operating the property subject to assessment hereunder on the first Monday in March. If the name of the owner is unknown to the state mineralogist, such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any person, firm, corporation or association whose property is properly assessed and charged, or in the making, or extension of any assessment or charge upon the records, which do not affect the substantial rights of the payer, shall not invalidate the assessment or charge.

Board of  
review

SEC. 35. The state mineralogist and the chairman of the state board of control and the chairman of the state board of equalization shall constitute a board of review, correction and equalization and shall have all the powers and perform such

duties as usually devolve upon a county board of equalization under the provisions of section three thousand six hundred seventy-two of the Political Code. The state mineralogist shall act as secretary of said board, and shall keep an accurate minute of the proceedings thereof. Said board of review, correction and equalization shall meet at the state capitol on the third Monday before the first Monday in July of each year, and remain in session from day to day until the first Monday in July for the purpose of carrying out the provisions of this section.

SEC. 36. On the third Monday before the first Monday in July of each year the state mineralogist shall cause to be published a notice, one or more times, in a daily, or weekly, or semi-weekly newspaper of general circulation published in the counties of Fresno, Kern, Los Angeles, Orange, Ventura and Santa Barbara, if one be published therein, otherwise in a newspaper of general circulation published in the county nearest to such county designated herein in which no such paper is published, that the assessment of property and levy of charges under and in pursuance of this act has been completed and that the records of assessments containing the charges due will be delivered to the state controller on the first Monday in July, and that if any person, firm, corporation or association is dissatisfied with the assessment made or charge fixed by the state mineralogist, he or it may, at any time before said first Monday in July, apply to said board of review, correction and equalization to have the same corrected in any particular. The said board shall have power at any time before said first Monday in July to correct the record of assessments and may increase or decrease any assessment or charge therein if in its judgment the evidence presented or obtained warrants such action. Costs of such publication in any county shall be paid from the repair fund of said county.

Notice of assessment published

SEC. 37. The state mineralogist must prepare each year a book, in one or more volumes, to be called the "record of assessments and charges for oil protection," in which must be entered, either in writing or printing, or both writing and printing, each assessment and levy or charge made by him upon the property provided to be assessed and charged under this act, describing the property assessed, and such assessments may be classified and entered in such separate parts of said record as said state mineralogist shall prescribe.

Record of assessments and charges for oil protection

SEC. 38. On the first Monday in July the state mineralogist must deliver to the state controller the record of assessments and charges for oil protection, certified to by said state mineralogist, which certificate shall be substantially as follows: "I, -----, state mineralogist, do hereby certify that between the first Monday in March and the first Monday in July, 19\_\_\_, I made diligent inquiry and examination to ascertain all property and persons, firms, corporations and associations subject to assessment for the purpose of oil protection as

Record delivered to controller

required by the provisions of the act of legislature approved \_\_\_\_\_, 19\_\_\_, providing for the assessment and collection of charges for oil protection; that I have faithfully complied with all the duties imposed upon me by law; that I have not imposed any unjust or double assessment through malice or ill will, or otherwise; nor allowed any person, firm, corporation or association, or property to escape a just assessment or charge through favor or regard, or otherwise."

But the failure to subscribe such certificate to such record of assessments and charges for oil protection, or any certificate, shall not in any manner affect the validity of any assessment or charge

Assessments  
kept within  
two miles  
of wells

It is the intention of this act that in the assessment of the lands as provided in section twenty-five hereof, and in carrying such assessments to the record of assessments aforesaid, the state mineralogist shall keep within two miles as near as may be of producing petroleum or gas wells as provided in said section twenty-five hereof.

Charges due  
and payable

SEC. 39. The charges levied and assessed under the provisions of this act shall be due and payable on the first Monday in July in each year, and one-half thereof shall be delinquent on the sixth Monday after the first Monday in July at six o'clock p.m. and unless paid prior thereto, fifteen per cent shall be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock p.m., an additional five per cent shall be added to the amount thereof, and the unpaid portion, or the remaining one-half of said charges shall become delinquent on the first Monday in February next succeeding the day upon which they become due and payable, at six o'clock p.m.; and if not paid prior thereto five per cent shall be added to the amount thereof.

Publication  
of control-  
ler's notice

SEC. 40. Within ten days after the receipt of the record of assessments and charges for oil protection, the state controller must begin the publication of a notice to appear daily for five days, in one daily newspaper of general circulation published in each of the counties of Fresno, Kern, Los Angeles, Orange, Ventura and Santa Barbara, if one be published therein, otherwise for at least two times in a weekly or semiweekly paper of general circulation published therein, or if there be neither a daily, nor weekly nor semiweekly paper of general circulation published in any one of such counties, then the publication of the notice for such county shall be made in a similar manner in a newspaper of general circulation published in the county nearest such county, specifying:

(1) That he has received from the state mineralogist the record of assessments and charges for oil protection

(2) That the charges therein assessed and levied are due and payable on the first Monday in July and that one-half thereof will be delinquent on the sixth Monday after the first Monday in July at six o'clock p.m., and that unless paid to the state treasurer at the capitol prior thereto, fifteen per cent will be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock

p.m., an additional five per cent will be added to the amount thereof, and that the remaining one-half of said charges will become delinquent on the first Monday in February next succeeding the day upon which they become due and payable, at six o'clock p.m.; and if not paid to the state treasurer at the capitol prior thereto, five per cent will be added to the amount thereof. Costs of such publication in any county shall be paid from the repair fund of said county.

SEC. 41. The assessments and charges levied under the provisions of this act shall constitute a lien upon all the property of every kind and nature belonging to the persons, firms, corporations, and associations and assessed under the provisions hereof, which lien shall attach on the first Monday in March of each year. Every charge and assessment herein provided for has the effect of a judgment against the person, firm, corporation or association, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such charges, penalties, and costs are paid, or the property sold for the payment thereof

Assessments constitute lien

SEC. 42. All charges assessed and levied under the provisions of this act shall be paid to the state treasurer upon the order of the state controller. The controller must mark the date of payment of any charge on the record of assessments and charges for oil protection, and shall give a receipt for such payment in such form as the controller shall prescribe. Errors appearing in any assessment on said record of assessments or overcharges shall be corrected by the controller by and with the consent of the state board of control in such manner as said controller and said board shall agree upon.

Charges to be paid state treasurer

SEC. 43. Any person, firm, corporation or association claiming and protesting as herein provided that the assessment made or charges assessed against him or it by the state mineralogist is void, in whole or in part, may bring an action against the state treasurer for the recovery of the whole or any part of such charge, penalties, or costs paid on such assessment upon the grounds stated in said protest, but no action may be brought later than the third Monday in February next following the day on which the charges were due, nor unless such person, firm, corporation or association shall have filed with the state controller at the time of payment of such charges a written protest stating whether the whole assessment or charge is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest the payment shall in no case be regarded as voluntary.

Action to recover charges

Whenever, under the provisions of this section, an action is commenced against the state treasurer, a copy of the complaint and of the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorney general must defend the action, or may appoint any

Procedue

competent attorney to so defend, the expense of which employment shall be paid from the repair fund raised under the provisions of this act. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

Failure to  
bring action

A failure to begin such action within the time herein specified shall be a bar against the recovery of such charges. In any such action the court shall have the power to render judgment for plaintiff for any part or portion of the charge, penalties, or costs found to be void and so paid by plaintiff upon such assessment.

Action to  
collect  
delinquent  
charges

SEC. 44. The state controller shall, on or before the thirtieth day of May next following the delinquency of any charge as provided in this act, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent charges or assessments, together with any penalties, or costs, which have not been paid in accordance with the provisions of this act and appearing delinquent upon the records of assessments and charges for oil protection hereinbefore in this act provided for.

Procedure

The attorney general, or some competent attorney appointed by him for that purpose, must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. The special attorney herein authorized to be appointed to prosecute such action or actions shall be paid from the repair funds raised under the provisions of this act.

Payment of the charges and penalties, or amount of the judgment recovered in such action must be made to the state treasurer. In such actions the record of assessment and charges for oil protection, or a copy of so much thereof as is applicable in said action, duly certified by the controller, showing unpaid charges against any person, firm, corporation or association assessed by the state mineralogist, is prima facie evidence of the assessment upon the property, the delinquency, the amount of charges, penalties, and costs due and unpaid to the state, and that the person, firm, corporation or association is indebted to the people of the State of California in the amount of charges and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment of such charges have been complied with.

First  
assessment

SEC. 45. The first assessment under the provisions of this act shall be as of the first Monday in March, nineteen hundred sixteen, and the reports of petroleum production and sales of gas herein provided to be assessed shall be reported for the calendar year ending December thirty-first, nineteen hundred fifteen. The lands herein provided to be assessed and charged shall be assessed to the owners thereof as of the first Monday in March, nineteen hundred sixteen.

SEC. 46. All of the moneys paid to the state treasurer under this act shall be deposited to the credit of the "oil protection fund" which is hereby created. Of the moneys in such funds forty-five thousand dollars only, shall be set aside as a "supervision account" and shall be available annually for the support and maintenance of the department herein established, and for the necessary expenses of the controller in carrying out the provisions of this act. Any balance remaining in said account at the end of any fiscal year shall be carried over and made a part of the succeeding year's "supervision account". *Provided, further,* that in the first assessment under this act, an amount equal to the sum appropriated in section fifty-one hereof, shall be added to the regular supervision account and also the amount of ten thousand dollars which shall be available for providing offices and equipment for the deputy supervisors. All moneys shall be drawn from such fund, for the purpose of this act, upon warrants drawn by the controller of the state, upon demands made by the state mineralogist, and audited by the state board of control.

SEC 47 The moneys in such fund shall be expended under the direction of the state mineralogist. All moneys over and above the forty-five thousand dollars for support and maintenance shall be available for the actual repair of wells as specified in section fourteen, and for expenditures provided for in sections thirty-six, forty, forty-three and forty-four of this act. Moneys collected from any county shall be available for repair work only in said county. Expenditure on repair work, in any county, during one year, shall not exceed an amount equal to twenty-five dollars per producing oil well in said county, but in no county shall the amount exceed twenty-five thousand dollars, and the charges hereinbefore provided for shall be so determined that such amount shall be available. All moneys received in repayment for repair work done under the order and direction of the supervisor, as hereinbefore provided, shall be returned to the repair fund of the county in which the work was done.

SEC. 48. On or before the first day of October in each and every year, the supervisor shall submit a report in writing to the state mineralogist showing the total number of barrels of petroleum produced in each county in the state during the previous fiscal year, together with the total cost for said year of supervision as shown by the "supervision account" and the net amount remaining therein available for the succeeding year's expense, also the total amount uncollected; such report shall also show the total amount collected in each county under the "county repair account" during such year, total amount expended for said purpose, the total amount still outstanding and not repaid, and the sum available for the next succeeding year. Such report shall also include such other information as the supervisor may deem advisable. The state mineralogist shall make public such statements promptly after receipt of the same from the supervisor for the benefit of all parties interested therein.

Leases, etc.,  
to be filed

SEC. 49. All leases, licenses and assignments thereof or of any interest therein for, upon or concerning lands or tenements in this state, whereby a right is given or granted to operate or to sink or drill wells thereon for petroleum or gas, or either, or pertaining thereto, shall be filed for record forthwith, and recorded in the records of the county recorder of the county where the property is situated without delay, and not be removed until recorded. No such lease or license shall have any force or validity until it is filed for record as aforesaid, except as between parties thereto, unless the person claiming thereunder is in actual possession.

Definitions.

SEC. 50. Whenever the term "supervisor" is used in this act it shall be taken to mean the "state oil and gas supervisor," the term "oil" shall include "petroleum," the term "petroleum" shall include "oil," the term "gas" shall mean natural gas coming from the earth, the term "operator" shall mean any person, firm or corporation drilling, maintaining, operating, pumping, or in control of a well in any territory which the supervisor determines to be oil or gas producing territory, the term "owner" shall include "operator" when any oil or gas well is operated or has been operated or is about to be operated by any person, firm or corporation other than the owner thereof, and the term "operator" shall include "owner" when any such well is or has been or is about to be operated by or under the direction of the owner, except that all the provisions of this act relating to assessments for the purposes of this act based upon the annual production of oil or petroleum or sale of gas, as set forth in sections 22 to 45, inclusive of this act, shall apply only to a person, firm or corporation operating an oil or petroleum or gas well, and shall not apply to the owner of such well if some person, firm or corporation, other than such owner, has been actually operating the well during the whole period for which such annual charge is made, but in the event that the actual operation of any such well changes hands during such period, the charge shall be apportioned upon the basis of the oil or petroleum or gas produced, and the lien provided for in section 41 of this act shall be a lien against the property of each and all such operators.

Appropriation.

SEC. 51. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars which said sum shall be immediately transferred by the state controller on the books of his office from the general fund to the "oil protection fund" created by section 46 of this act.

The above mentioned fund shall be available for the uses of the state mineralogist for the maintenance of the department of petroleum and gas and for the necessary expenses of the controller in carrying out the provisions of this act. When the collections paid to the state treasurer, as herein provided, equal the sum of thirty thousand dollars then said sum of twenty thousand dollars shall be re-transferred from the oil protection fund to the general fund. The moneys

received into the state treasury through the provisions of this act are hereby appropriated for the uses and purposes herein specified.

SEC. 52. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional. Constitutionality

SEC. 53. This act shall be liberally construed to meet its purposes and the supervisor shall have all powers which may be necessary to carry out the purposes of this act, but the provisions of this act shall not apply to any land or wells situated within the boundaries of an incorporated city where the drilling of oil wells is prohibited. Construction of act.

SEC. 54. That certain act entitled "An act to prevent injury to oil, gas or petroleum-bearing strata or formations by the penetration or infiltration of water therein." approved March 20, 1909, together with all acts amendatory thereof and supplemental thereto and all acts in conflict herewith are hereby repealed. Nothing herein shall be construed as affecting the provisions of the act of June 16, 1913, establishing a state mining bureau. Repealed

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### CHAPTER 719.

*An act making an appropriation to pay the claim of J. V. Stanton against the State of California.*

[Approved June 10, 1915. In effect August 9, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, there is hereby appropriated the sum of one thousand three hundred thirty dollars and fifty-four cents to pay the claim of J. V. Stanton against the State of California. Appropriation claim. J. V. Stanton

## CHAPTER 720.

*An act to require water companies to properly and adequately serve with water the inhabitants of the territory for the service of which they have a franchise.*

[Approved June 11, 1915 In effect August 10, 1915]

*The people of the State of California do enact as follows:*

Water  
companies  
to serve  
inhabitants  
in franchise  
territory

SECTION 1. Any water company having a franchise to use the streets of a municipal corporation, shall properly and adequately serve with water the inhabitants of the territory for the service of which it has such franchise. If the railroad commission has jurisdiction of extensions and service in the municipal corporation it shall enforce a compliance with the foregoing requirement. If the railroad commission does not have such jurisdiction, then it shall be the duty of the governing body of such city to adopt rules and regulations to carry out this requirement. In addition to the penalties which may be provided by such governing body for failure to comply with such regulations adopted by it, any person aggrieved by the failure of any such water company to comply with such regulations may recover, by civil action against such water company, twice the amount of damages he may sustain by reason of such failure.

SEC. 2. The term "water company" as used in this act, shall be deemed to include any person, firm or private corporation engaged in the business of supplying water for domestic use within any municipal corporation.

## CHAPTER 721.

*An act to amend section four thousand two hundred thirty-two of the Political Code of the State of California relating to the salaries, fees, and expenses of officers in counties of the third class.*

[Approved June 11, 1915 In effect August 20, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred thirty-two of the Political Code of the State of California is hereby amended to read as follows:

Counties of  
3d class,  
salaries of  
officers

4232. In counties of the third class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries:

County clerk

1 The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy,

whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum: one deputy, whose salary is hereby fixed at eighteen hundred dollars per annum: twenty-two deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each: two deputies, whose salaries are hereby fixed at the sum of ten hundred eighty dollars per annum each. All the foregoing deputies herein provided for, shall be appointed by the county clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be, and he is hereby allowed the following additional help: Fifteen clerks for a period of and not exceeding six months, whose salaries are hereby fixed at one hundred dollars per month each; fifteen clerks for a period of not exceeding one month, whose salaries are hereby fixed at one hundred dollars per month each, and also for any such year at least one additional deputy in each voting precinct in the county, who shall be a qualified elector of such precinct, for the purpose of registering electors, such additional deputies shall be paid five cents per name for each elector legally registered by them, in the same manner as other county claims are paid; *and provided, further*, that if no help is allowed to county clerks under the direct primary law, the county clerk in counties of this class, in such years as a general state direct primary election is held, shall be and he is hereby allowed the following additional help: Fifteen clerks for a period of and not exceeding two months immediately next preceding the direct primary election day, whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of said county, and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such county.

2. The sheriff, four thousand dollars per annum; *provided*, Sheriff, that in counties of this class there shall be and there hereby is allowed to the sheriff, one under sheriff, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; twenty-four deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two engineers for the jail, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one matron for the jail, whose salary is hereby fixed at nine hundred dollars per annum; one assistant matron, for a period not to exceed two weeks in any one year and to serve only during the vacation of the matron, at a salary of thirty-seven and one-half dollars

for such two weeks; *provided, further*, that the under sheriff, all deputies, matron, assistant matron and engineers herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

Recorder

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and shall be paid salaries and compensations as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; thirteen deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of ten hundred and eighty dollars per annum; *provided, further*, that the salary of the chief deputy and the salaries of the deputies herein provided for shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents and records in his office not to exceed six and three-fourths cents per folio for long hand recording and not to exceed four and one-half cents per folio for typewritten recording for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons, and the amount paid to each for such recording.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; six deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of ten hundred eighty dollars per annum and such additional assistance as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of twenty-five hundred dollars per annum; *and provided*, that the auditor shall file with the county clerk a sworn statement showing in detail the amounts paid and the persons to whom said compensation is paid for such extra assistance as aforesaid; *provided, further*, that the chief deputy and deputies shall be appointed by the auditor of said county and their salaries shall be paid by the said

county in equal monthly installments, at the same time and in the same manner and out of the same funds as is the salary of the auditor.

5. The treasurer, six thousand dollars per annum; *pro-* Treasurer  
*vided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county; *and provided, further*, that all commissions and fees required or permitted by any law of this state, or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the salary fund of the county monthly.

6. The tax collector, four thousand dollars per annum; Tax collector.  
*provided*, that in counties of this class there shall be, and there hereby is, allowed to the tax collector one chief deputy, whose salary is hereby fixed at twenty-four hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; eight deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of ten hundred eighty dollars per annum; *provided, further*, that there shall be, and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at a salary of one hundred dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers, which office is hereby created, and whose duties it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county, and of the sanitary assessment rolls for each sanitary district in counties of this class, yearly commencing with the year nineteen hundred and nine, as soon as the said rolls are completed by the assessor of the county and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over

to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy and all other deputies herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License  
collector

7. The license collector shall receive fifteen per cent of all licenses collected by him;

Assessor

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office: *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, the following assistants and deputies who shall be appointed by the assessor and shall be paid salaries as follows: One assistant assessor, whose salary is hereby fixed at the sum of three thousand dollars per annum; one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; four deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; three deputies, whose salaries are hereby fixed at the sum of sixteen hundred twenty dollars per annum each; twenty-one deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; three deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; fourteen deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; two deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid.

The salaries herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid: *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class to prepare maps, plats or block books for the use of the county or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or

assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block books or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, plats, block books or assessment rolls, and shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies and assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property nor shall the said assessor receive any compensation for making out the military roll or persons returned by him as subject to military duty as provided by section 1901 of the Political Code.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of two hundred and seventy-five dollars per month; one chief deputy district attorney, whose salary is hereby fixed at the sum of two hundred and fifty dollars per month; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred and twenty-five dollars per month each; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred dollars per month each; two deputies district attorney, whose salaries are hereby fixed at the sum of one hundred and seventy-five dollars per month each; one deputy district attorney, whose salary is hereby fixed at the sum of one hundred and fifty dollars per month; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred dollars per month each, whose duty it shall be, in addition to performing services as deputies district attorney, to attend the sessions of the police courts in cities of the second class and conduct, on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; one process server, whose salary is hereby fixed at the sum of one hundred dollars per month; three stenographers, whose salaries are hereby fixed at the sum of ninety dollars per month each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; *and provided, further*, that nothing herein contained shall be construed to prevent the boards of supervisors of counties of this class from employing special counsel in civil cases, when in the judgment of said boards the interests of said county require it.

The salaries of said assistants, deputies, clerk, detective, process server, stenographers and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid

Coroner.

10. The coroner, four thousand dollars per annum and his necessary traveling expenses as follows: Ten cents per mile for distance actually traveled outside the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro, said traveling expenses not to exceed twenty dollars in any one calendar month; *provided, further*, that in counties of this class, there shall be, and there hereby is, allowed to the coroner one autopsy physician and surgeon whose salary is hereby fixed at the sum of eighteen hundred dollars per annum who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds twenty miles the coroner may subpoena a physician or surgeon to perform such autopsy or to inspect the body; one deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum and one stenographer, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum and who shall be paid, in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest, the sum of fifteen cents per one hundred words for one copy, and ten cents per one hundred words for two copies made at one time and in every case where the death of any person shall have been caused by the criminal act of another, such stenographer shall make a copy of the transcript of the testimony and proceedings taken at such inquest for the use of the district attorney of such county; in all inquests so reported, the fees for transcribing, as provided herein, shall be paid out of the county treasury upon the order of the coroner.

When such testimony is taken down by such stenographer as herein set forth his transcription thereof, duly certified to by him, shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputy and stenographer herein provided for shall be appointed by the coroner, and their salaries shall be paid by said county in equal monthly installments at the same time, and in the same manner, and out of the same fund, as is the salary of the county officers in counties of this class. The coroner must hold inquests as prescribed by chapter II, title XII, part II of the Penal Code, and he, or any other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body.

Adminis-  
trator

11 The public administrator such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month; and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Superintendent of schools.

13 The surveyor shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the surveyor one deputy, whose salary is hereby fixed at the sum of twenty-seven hundred dollars per annum. The salary of such surveyor shall be paid by such county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county shall be performed by the said surveyor at actual cost; *provided, however*, that on all such work other than block book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed six dollars, and chain men when actually engaged on such county work shall receive a per diem of not to exceed three dollars; *and provided, further*, that for the making, platting, tracing, or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draftsmen who shall be paid salaries as follows:

Surveyor

One chief draftsman, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; one assistant draftsman, whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; four assistant draftsmen for a period not to exceed eight months in any one year whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of

all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county.

The deputy, draftsman and assistant draftsmen herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county officers in counties of this class.

Justices of  
the peace.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as justices of the peace: In townships having a population of more than seventy-five thousand, four thousand dollars per annum; in townships having a population of forty-five thousand and less than seventy-five thousand, twenty-four hundred dollars per annum; in townships having a population of twenty thousand and less than forty-five thousand, eighteen hundred dollars per annum; in townships having a population of less than twenty thousand, twelve hundred dollars per annum; *and provided, further*, that each justice of the peace must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fees and fines collected by him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; *and provided, further*, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of more than seventy-five thousand there shall be and there is hereby allowed to the justice of the peace, one clerk which office is hereby created who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of five thousand dollars conditioned for the faithful discharge of the duties of his office which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer, an exact account under oath of all fines, forfeitures and fees

paid and collected and he shall prepare bonds, and justified bail when the amount has been fixed by the court or justice and may administer and certify oaths and shall remain in the court room of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said court. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

15. Constables shall receive the following monthly salaries <sup>Constables</sup> to be paid each month and in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than seventy-five thousand, one hundred and fifty dollars; in townships having a population of twenty thousand and less than seventy-five thousand, one hundred and twenty-five dollars; in townships having a population of less than twenty thousand, one hundred and fifteen dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

16. Each supervisor two hundred and twenty-five dollars per month; *provided*, that in counties of this class supervisors <sup>Supervisors</sup> charged as road commissioners with the inspection of five hundred or more miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy-five dollars in any one calendar month; *and provided, further*, that, in counties of this class, supervisors charged as road commissioners with the inspection of two hundred and fifty and not exceeding five hundred miles of roads within their respective districts, shall be, and they are hereby allowed their actual traveling expenses not to exceed fifty dollars in any one calendar month; *and provided, further*, that in lieu of the above mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class.

## CHAPTER 722.

*An act to amend section one of an act entitled "An act to create the office of state dental surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office," approved April 16, 1906.*

[Approved June 21, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to create the office of state dental surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office," approved April 13, 1906, is hereby amended to read as follows:

Office of  
state dental  
surgeon  
created.

Section 1. The office of state dental surgeon is hereby created. It shall be the duty of the governor, on or before the tenth day July, 1909, to appoint a skilled dental surgeon for the State of California to fill said office of state dental surgeon, who at the date of such appointment shall be a graduate in good standing of a recognized college of dental surgery, legally qualified to practice as such in this state, and shall hold said office for the period of four years from and after the date of qualification; *provided, however*, when a vacancy occurs in the office of state dental surgeon from whatever cause the governor shall fill by appointment said term for the unexpired part thereof only. The salary of said state dental surgeon shall be thirty-six hundred dollars per annum, and shall be paid at the same time and in the same manner as are the salaries of other state officers.

## CHAPTER 723.

*An act to add a new section to the Penal Code of the State of California, to be numbered section six hundred twenty-eight h relating to the protection of fish.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered section six hundred twenty-eight h and to read as follows:

Permission  
to plant fish  
and fish eggs.

628h. Every person who places, plants, or causes to be placed or planted, in any of the waters of this state, any live fish or the eggs of any fish, any shellfish, crustacean or mollusk (except oysters), or any other fresh or salt water animal, whether taken without or within the state without first having submitted the same for inspection to and securing written

permission from the board of fish and game commissioners, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had, not less than fifty days, nor more than six months, or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for violation of the provisions of this section must be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 724.

*An act to prevent blindness from ophthalmia neonatorum; to vest certain powers and duties in the state board of health and health officers; to impose certain duties upon physicians, midwives, nurses, and other persons; and to provide for the enforcement of this act, and the repeal of chapter XIV statutes of 1897 entitled "An act to regulate medical practice, to prevent blindness in infants," and other acts in conflict herewith.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Any condition of the eye, or eyes, of any infant in which there is any inflammation, swelling or redness in either one or both of eyes of any such infant, either apart from or together with any unnatural discharge from the eye, or eyes, of any such infant, at any time within two weeks after its birth, shall, independent of the nature of the infection, for the purpose of this act, be called ophthalmia neonatorum.

Ophthalmia neonatorum defined

SEC. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative, and any person or persons attendant upon, or assisting in any way whatsoever, either the mother or child, or both, at childbirth, in all cases where such child shall develop within two weeks after its birth ophthalmia neonatorum, and such person shall know the same to exist, to report the case within twenty-four hours after knowledge of the same, in such form as the state board of health shall direct, to the local health officer of the county or municipality within which the mother of any such infant may reside.

Duty of physicians, etc., to report cases

SEC. 3. It shall be the duty of the local health officer:

1. To investigate each case as shall be filed with him in pursuance with this act, and all other such cases as may come to his attention.

Duty of local health officer

2. To report all cases of ophthalmia neonatorum coming to his knowledge, and the result of all such investigations as he shall make to the state board of health, in such form as said board shall direct.

3. To conform to such rules and regulations as the state board of health shall promulgate for the purpose of carrying out the provisions of this act.

Duty of  
state board  
of health

SEC. 4. It shall be the duty of the state board of health:

1. To enforce the provisions of this act

2. To promulgate such rules and regulations as the state board of health may deem necessary to properly carry out the provisions hereof.

3. To provide for the gratuitous distribution of a scientific prophylactic for ophthalmia neonatorum, together with proper directions for the use and administration thereof, to all physicians, midwives and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths.

4. To print and publish such further advice and information concerning the dangers of ophthalmia neonatorum and the necessity for prompt and effective treatment thereof, as said board may deem necessary.

5. To furnish without cost copies of this law to all physicians, midwives and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths.

6. To keep a proper record of any and all cases of ophthalmia neonatorum as shall be filed in their office in pursuance with this law, and as may come to their attention in any way, and to constitute such records a part of the biennial report to the governor and the legislature.

7. To report any and all violations of this act as may come to their attention to the district attorney of the district wherein any violation of any provision of this act may have been committed, for the purpose of prosecution.

Duty of  
maternity  
homes.

SEC. 5. It shall be the duty of all maternity homes, hospitals, and similar institutions wherein childbirths shall occur, to keep a record of all cases of ophthalmia neonatorum occurring or discovered therein. Such records shall be in the form and contain the matters which the state board of health shall prescribe.

Penalty

SEC. 6. The failure of any person mentioned in section 2 hereof to report, or the failure of any maternity home, hospital, or similar institution, to record any and all cases of ophthalmia neonatorum, as herein directed, or the failure or refusal of any person or institution, herein mentioned, to obey any rule or regulation adopted by the state board of health under this act, shall constitute a misdemeanor, and upon conviction thereof shall be fined, for the first offense not to exceed fifty dollars; for a second offense not to exceed one hundred dollars; and for a third offense, and thereafter not to exceed two hundred dollars for each violation; and after the third conviction, if the person be a physician, midwife, or other person professionally employed, such conviction shall be a sufficient cause for the revocation of the license of such person by the board which granted the same. One-half of all fines collected hereunder shall go to the county wherein the prosecution was had,

and the remaining one-half thereof shall go into the state treasury and constitute a special fund to be expended by the state board of health for the purposes of carrying out the provisions of this act. Any case of ophthalmia neonatorum, or the resultant blindness therefrom, upon which the accused may have been in attendance as hereinbefore set forth, shall be prima facie evidence of knowledge of such case by the accused

SEC. 7. Chapter XIV, statutes of 1897, entitled "An act <sup>Repealed</sup> to regulate medical practice, to prevent blindness in infants," approved February 17, 1897, and all other acts and parts of acts in conflict herewith, are hereby repealed.

CHAPTER 725.

*An act to amend section six hundred twenty-eight of the Penal Code of the State of California, relating to the protection of fish and to repeal section six hundred twenty-eight of the Penal Code, relating to the protection of abalones.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred twenty-eight of the Penal Code of the State of California is hereby amended to read as follows:

628. Every person who, at any time offers for shipment or ships, or who receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, or who has in his possession, for any purpose any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state, shall be guilty of a misdemeanor; *and be it provided*, that the possession of such dried shrimp or shrimp shells, for any purpose shall be prima facie evidence that such dried shrimp or shrimp shells are of shrimp which were caught or taken in the water of this state. Every person who, between the first day of March and the fourteenth day of October inclusive, of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any spiny lobster <sup>Protection of shrimp</sup> (*Panulirus interruptus*), or who, at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster <sup>Spiny lobster</sup> (*Panulirus interruptus*), of less than nine inches or more than thirteen and one-half inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers shall be guilty of a misdemeanor. Every person who, at any time takes, catches, kills, has in his possession, buys, sells or offers for sale any crab <sup>Crab</sup> (*Cancer magister*) of less than seven inches in breadth measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November inclusive, of any year, takes, catches, kills, has in

possession, buys, sells or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor. Any person who shall at any time, pickle, can or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time, sell any spiny lobster (*Panulirus interruptus*), crab (*Cancer magister*) meat not in the shell of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor.

Abalone

SEC. 2. Every person who, between the first day of February and the last day of February of the same year, both dates inclusive, takes, catches, kills, or has in his possession any red abalone (*Haliotis rufescens*), or who, between the first day of February and the thirtieth day of April of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*), is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*) less than nineteen inches around the outer edge of the shell, or any green abalone (*Haliotis fulgens*) less than eighteen inches around the outer edge of the shell, or any pink abalone (*Haliotis corrugata*) less than sixteen inches around the outer edge of the shell, or any black abalone (*Haliotis crackerodie*) less than fourteen inches around the outer edge of the shell, or who by any means whatsoever, takes, or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time dries any abalone (*Haliotis*), or who, at any time, offers for shipment, or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat fresh or dried or in cans holding more than one pint; or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor. Every person who, in fish and game districts numbers nineteen and twenty of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who takes, catches or kills any black abalone (*Haliotis crackerodie*), or who takes, catches or kills during any one calendar day more than ten abalone (*Haliotis*) shall be guilty of a misdemeanor. None of the provisions of this act shall apply to spiny lobster or abalone (*Haliotis*) caught

or taken without the waters of this state, when said spiny lobsters are not caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expense of such inspection shall be borne by the importer of such spiny lobster or abalone (*Haliotis*); *and be it provided, further*, that all spiny lobster or abalone (*Haliotis*) imported into this state shall be of the size prescribed in this section

SEC. 3. Every person who, at any time has in his possession for sale, or sells, or offers for sale, any catfish between the fifteenth day of May and the fourteenth day of August, inclusive, of any year, or who at any time has in his possession for sale, or sells, or offers for sale, any dressed catfish which shall measure less than seven inches in length, exclusive of any part of the head, or who at any time has in his possession, for sale, or sells, or offers for sale, any undressed catfish less than nine inches in length or who, at any time, kills or has in his possession any sturgeon of less than twenty-five pounds in weight shall be guilty of a misdemeanor. Section six hundred twenty-eight *g* of the Penal Code, relating to abalones, is hereby repealed.

CHAPTER 726.

*An act to amend section one thousand eight hundred fifty-eight of the Political Code of the State of California, relating to the attendance of children in the public schools of the state.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand eight hundred fifty-eight of the Political Code of the State of California is hereby amended to read as follows:

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows:

1. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having thirty-five or a less number of units of average daily attendance and one additional teacher for each additional thirty-five units of average daily attendance, or fraction of thirty-five not less than ten units of average daily attendance as shown by the annual school report of the school district for the next preceding school year; and two additional teachers shall be allowed to each district for every seven hundred units

Catfish

Stur., con

Repealed

Apportionment of school moneys for elementary grades

of average daily attendance; and in districts wherein separate classes are established for the instruction of the deaf, as provided in section six een hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes.

2. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed to the several districts. He must make an annual report of the schools of his county or city and county under oath to the superintendent of public instruction not later than August first of each year, and must report the number of teachers ascertained and allowed to his county or city and county by the rule or provisions of subdivision one hereof.

3. Five hundred and fifty dollars shall be apportioned to every school district for every teacher so allowed to it; *provided*, that to districts having over thirty-five or a multiple of thirty-five units of average daily attendance and a fraction of less than ten units of average daily attendance, forty dollars shall be apportioned for each unit of average daily attendance in said fraction.

Remainder  
apportioned  
by daily  
attendance

4. All school moneys remaining on hand, after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the next preceding school year: *provided*, that in estimating the average daily attendance for such apportionment, pupils who are absent on account of illness or in obedience to quarantine regulations shall be counted as present, but not exceeding five days for any one pupil in any school year, where the teacher is satisfied that such absence is due to such cause and so certifies under oath, but shall be reported to the county superintendent of schools separately from those actually present and shall not be included in the report of the average daily attendance made by the county superintendent of schools to the state superintendent of public instruction. In any newly organized school district where school was not maintained during the school year in which it was organized the county superintendent shall require the teachers and principal or principals of the school district or districts from which the newly organized district was formed to report to him as a part of their annual reports, the names and attendance records of all pupils residing in said new district and attending school in the old district or districts during the school year in which the new district was organized. The county superintendent shall determine the average daily attendance and the teacher allowance for the newly organized district from those reports and shall deduct from the old districts the average daily attendance credited to the new district. In case it shall appear that none of the pupils residing in the newly formed district attended school during the year in which said district was organized in the district or districts

from which said district was organized, then the superintendent shall apportion six hundred dollars to the newly organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

5. A minimum full day's attendance on the regular full time elementary day school as hereby established, is, for a pupil of the first, second, or third grade, two hundred minutes, and for a pupil of the fourth, fifth, sixth, seventh, or eighth grade, two hundred forty minutes, of actual attendance for any given day upon school sessions, exclusive of intermissions. When a pupil is absent from the first, second, or third grade of a regular full time day school, for any day, session, or part of a session, five per cent of a day's absence must be recorded for each full ten-minute period of absence; and when a pupil is absent from any other grade of said elementary school for any day, session or part of a session, five per cent of a day's absence must be recorded for each full twelve-minute period of absence; *provided, however*, that such record may not for any one day exceed one hundred per cent. The actual attendance of a pupil upon a regular full-time day school for any given length of time shall be the number of days school was actually taught during such time less the sum of his absences. There shall be recorded five per cent of a day's attendance for each full twelve-minute period of attendance by any pupil upon the regular daily session or sessions, exclusive of intermissions, of a part-time day or evening continuation or vocational school, department, or class, either of elementary or high school grade; and the actual attendance of a pupil upon a part-time day or evening school, department or class for any given length of time shall be the sum of his attendance during such time, provided that no pupil shall be credited in any one school month, with more than twenty days attendance in a part-time day school. Units of average daily attendance wherever used in this section shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time day, part-time day, and evening elementary schools of the district for the school year by the number of days school was actually taught in the regular elementary day schools of the district during said year.

6. Whenever in any school year, prior to the receipt by the school districts of any county, or city and county of this state, of their state, county, or city and county, or special, or high school fund, the school districts of that county, or city and county shall not have sufficient money to their credit to pay the lawful demands against them, the county or city and county superintendent shall give the treasurer of said county or city and county, an estimate of the amount of school money that will next be paid into the county or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, or city and county, to transfer from

Minimum full day's attendance.

When districts do not have sufficient funds.

any fund not immediately needed to pay the claims against it, to the proper school fund an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be retransferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

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CHAPTER 727.

*An act making an appropriation to pay the claim of Mrs. Richard D. Barton against the State of California.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim,  
Mrs. R. D.  
Barton

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of Mrs. Richard D. Barton against the State of California.

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CHAPTER 728.

*An act relating to the deposit of moneys and assets held by bonded fiduciaries providing for agreements between surety and fiduciary as to place of deposit of such funds and assets.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

Deposit of  
money held  
in bonded  
fiduciaries.

SECTION 1. It shall be lawful for any party of whom a bond undertaking or other obligation is required to agree with his surety or sureties for the deposit of any or all moneys and assets for which such surety or sureties are or may be held responsible, with a bank, savings bank, safe deposit or trust company, authorized by law to do business as such, or other depository approved by the court, or a judge thereof, if such deposit is otherwise proper, for the safe-keeping thereof, and in such manner as to prevent the withdrawal of such money and assets or any part thereof, without the written consent of such surety or sureties, or an order of court, or a judge thereof, made on such notice to such surety or sureties as such court or judge may direct; *provided, however*, that such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the said bond.

CHAPTER 729.

*An act authorizing the board of trustees of Whittier State School to maintain a department for the care and training of defective persons and for the study of mental defectiveness at the Whittier State School and to provide for the commitment of defective persons thereto.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The board of trustees of Whittier State School are hereby authorized and empowered to maintain on the property of the Whittier State School a department for the care, training, confinement, discipline and instruction of defective persons, and for the study of mental defectiveness and the proper care of defective persons. Department at Whittier for defectives

SEC. 2. Under the direction of said board of trustees the superintendent of Whittier State School shall have supervision over the said department. The trustees of the Whittier State School, and any superintendent whom they may appoint, shall respectively exercise the same powers with relation to said department for defective persons and the inmates thereof, as are now exercised by them under the law regulating the management of the Whittier State School. Management

SEC. 3. Commitment or admission to said department for defective persons at Whittier State School may be made in the same manner and upon the same terms and upon the same payments by persons responsible therefor, or by the several counties, with the same provision for payment as now provided by law in the case of the Sonoma State Home; *provided, however,* that no person ordered committed by the court shall be received except upon application first made to the trustees of said Whittier State School and the ascertainment that the person committed or to be committed will be received and cared for by said institution; and the said trustees are hereby authorized to reject said application and refuse to accept any and all such persons whenever in their judgment it is best or proper so to do, it being the intention that the said board of trustees shall determine the number and character and mental status of the persons who can best be cared for in said department for defective persons Admission of defectives

SEC. 4. The superintendent and trustees of the said Whittier State School together with two persons to be designated by the Psychopathic Association of California are hereby authorized and empowered to prepare and present to the next session of the state legislature of the State of California recommendations regarding the establishing of an institution for the care, training, confinement, discipline and instruction of defective persons, together with recommendations as to the best methods to be employed in conducting the same, the character of buildings and equipment best adapted to the purpose, and as to a suitable location for such an institution. Committee to make recommendations

## CHAPTER 730.

*An act making an appropriation to pay the claim of J. W. Kavanagh against the State of California.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

Appropriation claim, J. W. Kavanagh.

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of J. W. Kavanagh against the State of California.

## CHAPTER 731.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending sections 85 and 97 thereof, relating to justices' courts and justices of the peace in cities and counties of over four hundred thousand inhabitants.*

[Approved June 11 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eighty-five of the Code of Civil Procedure is hereby amended to read as follows:

Justices' courts in cities and counties of over 100,000.

85 There shall be in every city and county of more than four hundred thousand population a justice's court for which five justices of the peace shall be elected by the qualified electors at the general state election next preceding the expiration of the terms of office of their predecessors. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. Said justices shall choose one of their number to be presiding justice who may at any time be removed and another appointed in his place by a vote of a majority of them; *providing*, that in the case of the temporary absence or disability of the presiding justice, any one of the other justices, to be designated by the presiding justice, may act as presiding justice during such absence or disability. Each justice of the peace so elected must at the time of his election be an elector of such city and county, and qualified to practice in all the courts of this state.

SEC. 2. Section ninety-seven of the Code of Civil Procedure is hereby amended to read as follows:

Salaries

97. The justices of the peace shall receive for their official services the following salaries and no other or further compensation, payable monthly, out of the city and county treasury, after being first allowed and audited, as other similar demands are by law required to be allowed and audited: To each of the justices of the peace four thousand two hundred dollars per annum.

CHAPTER 732.

*An act to amend section 893 of the Code of Civil Procedure, relating to form of judgments and notice thereof to be given to litigants.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section eight hundred ninety-three of the Code of Civil Procedure is hereby amended to read as follows:

893. The judgment of a justice of the peace must be entered substantially in the form required in section six hundred and sixty-seven, and where the defendant is subject to arrest and imprisonment thereon the fact must be stated in the judgment. No judgment shall have effect for any purpose until so entered. Notice of the rendition of judgment must be given to the parties to the action in writing signed by the justice. Where any of the parties are represented by an attorney, notice shall be given to the attorney. Said notice shall be served by mail or personally, and shall be substantially in the form of the abstract of judgment required in section eight hundred and ninety-seven of this code. When served by mail the justice of the peace shall deposit copies thereof in a sealed envelope in the post office not later than five days after the rendition of the judgment, addressed to each of the persons on whom notice is to be served at their place of residence, or place of business if on an attorney, and the postage prepaid thereon. When served personally said notice shall be served within five days after the rendition of the judgment. Entry of the date of mailing shall be made by the justice in his docket.

Form of justice's judgment.

Notice

CHAPTER 733.

*An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

*Serial bonds may issue.*

SECTION 1. The city council of any municipality in this state shall have power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent and be secured by the assessments

Cities may issue bonds for street improvement

which shall be made to pay for the cost of any work or improvement which shall be made in any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city, or in, over or through any property or rights of way owned by such city, which work and improvement shall include any and all work and improvements the doing of which is provided for in the street work acts hereinafter referred to.

*Street work acts affected.*

Street  
work acts  
affected.

SEC. 2. Wherever in this act the phrase "street work act" is used, it means and shall be taken to mean "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18th, 1885, and all acts amendatory thereof or supplementary thereto, and also the act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7th, 1911, and designated "improvement act of 1911," and all acts amendatory thereof or supplementary thereto, and also any and all other acts for the doing of work and making of other improvements within municipalities whereby the cost of the whole or any portion of such work or improvements is charged and assessed upon real property; and for any proceeding instituted under either of said acts shall be held to apply exclusively to the act under which any such proceeding was instituted.

*Bonds when and where payable.*

When  
and where  
payable.

Interest

SEC. 3. Said bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first nine months after their date, until the whole is paid, and the said bonds shall bear interest at a rate of not to exceed eight (8) per cent per annum on all sums unpaid, until the whole of said principal and interest are paid, which interest shall be payable semiannually by coupon, on the second days of January and July, respectively, of each year; *provided*, that the first payment of interest shall not come due till six months before the maturity of the first series of bonds. The final series or installment of said bonds shall mature and be payable on a date which shall not exceed nine (9) years from the second day of July next succeeding nine months from their date. Said bonds and interest shall be paid at the office of the city treasurer of said municipality who shall keep a redemption fund designated by the name of said bonds, into which he shall place all sums received by him from the collection of the

Redemption  
fund

assessments made for the payment of the cost of the work or improvements upon which the said bonds are issued and of the interest and penalties thereon, and from which fund he shall disburse and pay the said bonds and the interest due thereon, upon the presentation of the proper bonds and coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, and last known holder of each bond, and the number and amount of each coupon of interest paid by him, and shall cancel and file each bond and coupon so paid.

*Declaration in resolutions and notices.*

SEC. 4. When said city council shall determine that serial bonds shall be issued hereunder to represent the expense of any proposed work or improvement under said street work act it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award and in all notices of said proceedings required by said act to be either posted or published, and also a like notice shall be entered in any warrant issued by the superintendent of streets to the contractor. The city council shall also declare in said resolution of intention the exterior boundaries of the district, the property within which is to be assessed to pay the cost and expenses of said work as by law provided. Said bond declaration may be substantially in the following form: "Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of ----- per cent per annum, will be issued hereunder in the manner provided by the improvement bond act of 1915, the last installment of which bonds shall mature ----- years from the second day of July next succeeding nine months from their date."

Resolution of intention

*Issuance of bonds.*

SEC. 5. After the full expiration of thirty (30) days from the date of the warrant, or if an appeal be taken to the city council as provided in said street work act, then five (5) days after the final decision of said council, and after the street superintendent shall have recorded the return, the street superintendent shall make and file with the clerk of the city council a complete list of all assessments unpaid, upon any assessment or diagram number. Said clerk shall then give notice of the filing of said list and of a time, to be therein fixed by said clerk, when interested persons may appear before the city council and show cause why bonds should not be issued upon the security of the unpaid assessments shown on said list, which time shall be that of some regular meeting of said council. Such notice shall be posted for not less than five days on or near the council chamber door and be published twice in a newspaper published in such city (if there be any)

Issuance of bonds

Notice posted and published

To hear objections.

Advertising for bids

the first of which publications shall be not less than five days before the time fixed for such hearing. Reference shall therein be made to the resolution of intention and the date of its passage for a description of the work and district therein mentioned and no other description thereof shall be necessary. The council shall hear any objection presented and shall pass upon the same and shall thereupon determine the assessments which are unpaid and the aggregate amount of same. It may adjourn the hearing from time to time. Its decision shall be final. The city council, by an order entered upon its minutes, shall then prescribe the denominations of such bonds, which shall be in convenient amounts not necessarily equal, and also of the interest coupons to be attached thereto, and shall provide for the issuance of the same in annual series. Said bonds must be sold at a time to be fixed by the city council, and to the highest bidder therefor, but for not less than par and accrued interest, and the proceeds of the sale shall be deposited in the city treasury. Before selling said bonds, or any part thereof, the city council must advertise for bids therefor, by publication once a week for at least two weeks in some daily or weekly newspaper of general circulation published in the city, or if there is no such newspaper published in the city then by notice of sale, posted for at least two weeks on or near the council chamber door of said city. If satisfactory bids are received the bonds offered for sale must be awarded to the highest bidder. If no such bids are received or the board determines that the bids received are not satisfactory as to price or responsibility of the bidders the council may reject all bids received, if any, and either re-advertise or deliver said bonds to the contractor in satisfaction of the sum due him upon his assessment and warrant. From the proceeds of any sale of said bonds, there shall be paid to such contractor the balance due him upon his assessment and warrant, and the surplus of such proceeds shall be credited to the redemption fund for the payment of said bonds. The cost of such publications shall be paid from such redemption fund.

*Form of bond.*

Form of bond

SEC. 6. Said bonds shall each be substantially in the following form:

IMPROVEMENT BOND.

City (or other form of municipality) of  
(naming it).

\$----- No.-----

Under and by virtue of the act of the legislature of the State of California, entitled (title of this act) the ----- of -----, (a municipal corporation) will on the second day of July, 19\_\_\_, out of the redemption fund for the payment of the bonds issued upon the assessments made for the work upon and improvements on ----- in or owned by said municipality more fully described in the certain resolution of intention passed by the city council (or

other board) of said municipality on the ----- day of ----- 19----, pay to bearer, the sum of ----- dollars (\$-----) with interest at the rate of ----- per cent per annum, all as is hereinafter specified, and at the office of the treasurer of said municipality.

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts and maturities, issued by said municipality under said act for the purpose of providing means for paying for the work and improvements described in said resolution of intention, and is secured by the moneys in said redemption fund and by the unpaid assessments made for the payment of said work. It is payable exclusively out of said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest.

The interest is payable semiannually, to wit: on the second days of January and July in each year hereafter; upon presentation of the proper coupons therefor; *provided*, that the first of said coupons is for the interest from date to the next second day of -----, and thereafter the interest coupons are for the semiannual interest.

This bond will continue to bear interest after maturity at the rate above stated, provided it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity, interest thereon will run until maturity.

This bond may be redeemed and paid in advance of maturity upon the second day of July in any year by giving the notice by publication provided in said act

In witness whereof said ----- of ----- has caused this bond to be signed by the treasurer of said ----- and by its clerk and has caused its clerk to affix thereto its corporate seal all on the ----- day of ----- 19-----.

(SEAL)

-----  
Treasurer.

-----  
Clerk.

*Coupons.*

SEC. 7. The coupons affixed to said bonds shall be signed <sup>Coupons,</sup> by the treasurer, and the city council may by order provide in its discretion for the use upon said coupons of an engraved or lithographed signature of the treasurer in place of a signature by hand. The bonds shall have semiannual coupons attached thereto, the first of which shall be payable upon the second day of January next before the maturity of the first series of bonds coming due, and shall be for the interest accrued at that time.

*Annual series.*Annual  
series.

SEC. 8 The bonds so issued shall be payable to the party to whom they issue, or bearer, and shall be issued in series, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. The bonds maturing in any year shall constitute the annual series of that year and the aggregate principal of the bonds in such series shall equal the even annual proportion of the aggregate principal sum of the entire bond issue hereinbefore referred to. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings had prior thereto under this act and under said street work act.

*Advanced maturity.*Advanced  
maturity.

SEC. 9. The city treasurer may advance the maturity of any bond and pay and cancel the same whenever there shall be surplus moneys in the redemption fund with which to pay same, by giving notice of such redemption at least nine months prior to the second day of July in any year. Such notice may be given in writing, personally or by registered mail to the holder or owner thereof, or by publication once a week for two weeks in a daily or weekly newspaper published in said city: *provided*, that if such notice be so given by publication then a copy of same shall be mailed to the last known holder or owner thereof at his last known address at least nine months prior to the next second day of July specified in said notice. In the event of such notice being given, the maturity of such bond shall be advanced and said bond be deemed to mature on the second day of July specified in the notice as the date on which it will mature, at which time the same shall be paid; *provided, however*, that the holder or owner of such bond may prior thereto surrender same and receive the principal thereof together with the interest thereon which would accrue on the second day of July specified in said notice. On said second day of July, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the holder or owner of said bond the amount of principal and accrued interest then due on same, and said bond shall then be deemed to have matured, and interest shall thereafter cease to accrue on said bond. The amount so set aside shall on demand be paid the holder or owner of said bond on surrender and cancellation of same. The costs of such advertising shall be paid from said redemption fund.

*Registration of bonds.*Registration  
of bonds

SEC. 10. Said bonds may be surrendered by the holder to the treasurer for registration in accordance with the provisions of any law applicable to the registration of the municipal bonds of the city, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

*Unpaid assessments a trust fund.*

SEC. 11. In the event of such bonds being so issued, then the assessments, which shall be unpaid, as shown on the list filed by the superintendent of streets and determined by the city council, together with interest thereon, shall remain and constitute a trust fund for the redemption and payment of said bonds and of the interest which may be due thereon. In the event of non-payment of any assessment or installment thereof, or of any interest thereon, and as a cumulative remedy, the same when due as hereinafter provided, may by order of the council be collected by suit brought to foreclose the lien thereof in the same manner as provided in said street work act for the foreclosure of other assessments by action in a superior court, and with like costs, attorneys fees and other relief. Such assessments and each installment thereof and the interest and penalties thereon shall be and shall continue to constitute a lien against the lots and parcels of land on which made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of bonds issued upon the security of such unpaid assessments. Such lien shall be prior and superior to all other liens, except the lien for other state, county and municipal taxes; *provided, however,* that unmatured installments, interest and penalties shall not be deemed to be within the terms of any general covenant or warranty.

Unpaid assessments a trust fund.

*Assessments payable in installments.*

SEC. 12. Such unpaid assessments shall be payable in annual series corresponding in number to the number of series of bonds issued and an even annual proportion of each assessment shall be payable in each year preceding the date of maturity of each of the several series of bonds so issued. Such annual proportion of each assessment coming due in any year together with the annual interest on such assessment, shall in turn be payable in annual or semiannual installments according as the general municipal taxes of such city on real property are payable in annual or semiannual installments, and such installments shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do the general municipal taxes on real property of said city. Upon default in payment, the lands securing such installments and assessments shall be sold in the same manner in which real property in such city is sold, for the non-payment of general municipal taxes, and be subject to redemption in the same manner as such real property is redeemed from such delinquent sale, and upon failure of redemption shall in like manner pass to the purchaser. The city may be the purchaser at any delinquent sale in like manner in which it becomes or may become the purchaser of property sold for non-payment of the general municipal property tax, and in the event of its so becoming the purchaser shall pay and transfer into

Assessments payable in installments

Sale of land on default in payment

said redemption fund the amount of the delinquent assessment and of the delinquent interest thereon upon which said sale is made. In cases where under the law, the city is not always the purchaser at sales for delinquent municipal taxes, the city shall become such purchaser at any delinquent sale hereunder where there is no other purchaser. In the event of there being no available funds in the treasury with which to make such payment, the tax collector shall delay the entry of the certificate of sale until such funds are available, making demand in the mean time upon the city council that a suitable amount be included in the next tax levy for the purpose of providing funds with which to make such payment; *provided, however,* that the period of redemption from such tax sale shall not be extended thereby nor the rights or privileges of the property owner be thereby in anywise affected.

*Interest on assessments.*

Interest on  
assessments

SEC 13. Interest on all unpaid assessments shall run from the return of the warrant and assessment, and be computed at the same rate specified in the bonds secured by such assessments. Such interest shall be payable annually or semi-annually as above provided, according as such general municipal taxes on real property in such city are payable annually or semiannually, but shall in each year be computed and collected up to the next second day of July succeeding, no deduction being made by reason of any installment of such assessment being due or paid prior thereto in such year.

*Entered on assessment roll.*

List of  
unpaid  
assessments.

SEC 14. The superintendent of streets shall make and certify to the city auditor, or other person authorized to apportion upon the assessment rolls taxes levied in such city for general municipal purposes, a complete list of all such unpaid assessments, which list shall contain such description of each lot or parcel of land assessed as will enable such auditor or other person to identify it, and the amount and date of the assessment thereon. The auditor shall thereupon enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several installments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments as herein provided. Taxpayers shall have the like right to pay such assessment as so entered under protest as they have to pay general municipal taxes under protest, but in making such payment under protest must accompany the payment with their written protest. In the event of the lot or parcel of land affected by any assessment not being separately assessed on said roll so that the installment to be collected can be conveniently entered thereon, then said auditor shall enter on said roll a description of the lot or parcel affected, with the name of the owners if known but otherwise

described as "unknown owners," and extend the proper installment opposite same. In the event of a subdivision of the lot or parcel affected into separate holdings, the owners of same may in writing request the auditor to separate the installments according to some fixed proportions to be stated by them and to enter same in said roll opposite their respective holdings in accordance therewith. Such owners shall in connection therewith in writing waive objections to the proceeding and to the method of collecting assessments proposed by them and agree to pay future installments in accordance therewith. Thereafter the auditor shall enter such installments opposite the respective lots or parcels of land in the proportions agreed upon; *provided, however,* such division of the installments shall not be so disproportioned to the relative values of the separate holdings of land as to jeopardize the security of the assessments.

*Assessments may be released.*

SEC. 15. Any interested property owner may release and pay any such unpaid assessment by depositing with the city treasurer the total unpaid balance of any such assessment together with the total interest which would become due on such assessment were it paid in the regular way; *provided,* that if the amount of same be sufficient to provide surplus moneys with which to redeem any bond outstanding and not due the next second day of July, then such person so releasing such assessment may direct the treasurer to redeem such bond, and the treasurer shall then give the proper notice for redeeming such bond, by advancing its maturity as hereinbefore provided upon which redemption the person releasing such assessment shall be entitled to credit and reimbursement for the par value of any coupons thereon which shall be canceled but not paid, less any costs incurred for publishing any notice of redemption.

Assessments may be released

*Special tax to protect city.*

SEC. 16. The city council may, at the time of fixing the annual tax rate and levying the taxes to be collected for general municipal purposes, levy a special tax upon the taxable property in the city for the purpose of paying for the lands purchased or to be purchased at such tax sales, but not to exceed ten cents on each one hundred dollars of assessable property. Such special tax shall be in addition to all other taxes levied for municipal purposes, and shall be computed, entered and collected in the same manner, and by the same persons, and at the same time and with the same penalties and interest as are other municipal taxes of said city. In the event of a surplus remaining in said redemption fund after payment of all said bonds and the interest thereon, the same shall first be applied to repayment to said city of any special taxes so levied less its recovery on the lands purchased at delinquent sale, and also of any costs incurred by it hereunder,

Special tax to purchase lands at tax sale.

and then be proportionately credited upon the final installments due upon said assessments securing said bonds and repaid to those paying same if previously paid.

*Effect of certificate of sale and deed.*

Effect of  
certificate  
of sale  
and deed

SEC. 17. In the event of sale by the tax collector of any lot or parcel of land for non-payment of taxes, and of any installment of the assessment thereon, or of the penalties, interest or costs on same or for non-payment of any installment, penalties, interest or costs, then any certificate of such sale and deed issued pursuant thereto, is primary evidence of the regularity of all proceedings theretofore had, and shall be conclusive evidence of all things of which bonds issued upon the security thereof are conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issuance of the bonds, and such deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for other state, county and municipal taxes, and unmatured assessments thereon.

*Definitions.*

Definitions

SEC. 18. The term "city auditor" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of extending taxes upon the assessment rolls and lists. The term "tax collector" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of collecting taxes, advertising delinquent lists of unpaid taxes, selling lands thereunder and executing certificates of sale and deeds thereon. Wherever in this act the name of any municipal body or other officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase as the same respectively is expressly defined in said street work act.

*Directory provisions.*

Provisions  
deemed  
directory.

SEC. 19. The provisions of this act relative to the performance of official duty as to any time or place and relative to the form of any resolution, notice, order, list, certificate of sale, deed or other instrument, shall be deemed directory. No bond, coupon, assessment or installment thereof or of interest or penalties thereon shall be held invalid for error in the computation of the proper amount due on same, provided the error be found to be comparatively negligible.

*Effect of act.*

Effect  
of act.

SEC. 20. This act shall in no wise affect an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for payment of said bonds," approved February 27, 1893, nor part III of the "improvement act of 1911" hereinbefore referred to, nor

any similar acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for the issuance of bonds to represent and be secured by the assessments mentioned in this act; and it shall be in the discretion of the legislative body of any city to proceed under the provisions of this act or of such other acts; but when any proceedings for the issuance of bonds are commenced under this act, as amended from time to time, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict herewith shall be void and of no effect as to such proceedings commenced under this act. This act may be designated and referred to as the "improvement bond act of 1915."

CHAPTER 734.

*An act to amend section one hundred seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one hundred seventy-two of the Penal Code is hereby amended to read as follows:

172. 1. Every person who, within half a mile of the land belonging to this state upon which any state prison, or within nineteen hundred feet of the land belonging to this state upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa county, California, or within three miles of the university farm at Davis, or within one and one-half miles of the lands occupied by any home, retreat, or asylum for ex-soldiers, sailors, and marines of the army and navy of the United States, established or to be established by this state, or by the United States within this state, or within the state capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any spirituous, vinous or alcoholic liquors, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than fifty days or by both such fine and imprisonment, in the discretion of the court.

Sale of  
liquors near  
universities,  
etc.,  
prohibited

2. The possession by a person, within the distances mentioned in paragraph one of this section of any state prison, reformatory, grounds belonging to the University of California at Berkeley, university farm at Davis, or of the land on which

License  
deemed  
prima facie  
evidence.

is located the Veterans' Home at Yountville, Napa county, California, or any home, retreat or asylum for ex-soldiers or sailors, and marines of the army and navy of the United States, within the state capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of spirituous, vinous or malt liquors issued under and by the authority of the government of the United States shall, in any prosecution under paragraph one of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph one of this section.

#### CHAPTER 735.

*An act to provide for the fighting of forest fires in the San Antonio canyon in the San Gabriel mountains, California, and to make an appropriation therefor.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

Appropriation  
for fighting  
forest fires

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated annually the sum of fifteen hundred dollars, during the sixty-seventh and sixty-eighth fiscal years, which money shall be used and expended for the purpose of preventing and extinguishing forest fires and the constructing and maintaining of fire trails and firebreaks in the San Antonio canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Certain  
contracts  
authorized.

SEC 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting said San Antonio canyon from devastation by fire: *provided, however*, that the expenditures for such purposes shall not be in excess of the amount or amounts expended by the said San Antonio Fruit Exchange, the San Antonio Water Company and the county of San Bernardino, in collaboration with the specific work named above; *and provided, further*, that in the event that the said San Antonio Fruit Exchange, the San Antonio Water Company and the county of San Bernardino do not contribute an amount equal to the appropriation hereby made for the purposes hereinbefore specified, the state board of control shall not have power to enter into such contract or contracts with the said San Antonio Fruit Exchange for the expenditure of the said money.

CHAPTER 736.

*An act to amend section two of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without governor's approval February 25, 1901, as subsequently amended, by amending section two and section three thereof, relating to the proceedings for the calling of an election therefor and by adding a new section thereto to be numbered section twelve and three-fourths, relating to the consolidation of elections.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under the constitutional provision without the governor's approval February 25, 1901, as subsequently amended, is hereby amended to read as follows:

Sec. 2. Whenever the legislative branch of any city, town or municipal corporation shall, by resolution passed by vote of two-thirds of all its members determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement, including bridges, water-works, water rights, sewers, light and power works or plants, buildings for municipal uses, wharves, breakwaters, jetties, seawalls, schoolhouses, fire apparatus, and street work, or other works, property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may at any subsequent meeting of such legislative branch, by a vote of two-thirds of all its members, order the submission of the proposition of incurring a bonded debt for the purpose set forth in said resolution, to the qualified voters of said city, town or municipal corporation, at an election held for that purpose; *provided*, that propositions of incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such election will be held, the manner of holding such election and the voting for or against incurring such indebtedness, and in all particulars not recited in such ordinance, such election shall be held

cities in a submit question of issuing bonds for public improvements

Purpose

Interest as provided by law for holding municipal elections in such municipality; *provided, however*, that if the rate of interest to be paid on such indebtedness shall not exceed four and one-half per centum per annum payable semiannually, the rate of interest need not be recited in such ordinance, but in its discretion the said legislative branch may recite in such ordinance a maximum rate of interest to be paid on such indebtedness not exceeding six per centum per annum payable semiannually, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness.

SEC. 2. Section three of said act is hereby amended as follows:

Publication  
of ordinance

SEC. 3. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such municipality, or once a week for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two-thirds of all the voters voting at such election to authorize the issuance of the bonds herein provided; *provided, however*, should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters, voting at such election to incur the indebtedness for the purpose specified, the legislative body of such municipality shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for improvements, substantially the same as voted upon at such prior election, unless a petition signed by fifteen per centum of the qualified electors of such municipality computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected be filed with the legislative body of such municipality, requesting that such proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act.

Vote  
necessary  
to carry

SEC. 3. That a new section is hereby added to said act to be known as section twelve and three-fourths and to read as follows:

Separate or  
consolidated  
elections

SEC. 12 $\frac{3}{4}$ . Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this act, may be held separately, or may be consolidated with any other election authorized by law at which the qualified voters of such city, town or municipal corporation are entitled to vote; *provided, however*, that in the event any such election called pursuant to the provisions of this act is consolidated with any other election, the provisions of this act setting forth the procedure for the calling and holding

of the election called pursuant to the provisions of this act, shall be complied with, except, that the ordinance calling such election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those set forth in the ordinance, notice or other proceedings calling the election with which the election called pursuant to the provisions of this act, is consolidated, and shall refer to such ordinance, notice or other proceeding by number and title, or by other definite description.

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### CHAPTER 737.

*An act to amend section nine of an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section nine of the act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions: to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal

all acts and parts of acts inconsistent with this act," approved April 21, 1911, is hereby amended to read as follows:

Oleomargarine defined

Sec 9 For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; and for the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

#### CHAPTER 738

*An act to amend the Civil Code of the State of California, by adding a new section thereto to be known as and numbered section 361, relating to increasing or decreasing the number of directors or trustees of corporations or associations.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1 A new section is hereby added to the Civil Code of the State of California to be known as and numbered section 361 thereof, to read as follows:

Changing number of directors of corporation

361. Any corporation or association may increase or diminish the number of its directors or trustees by the vote or written assent of stockholders representing a majority of its subscribed capital stock, or, if it has no capital stock, by the vote or written assent of a majority of the members. A certificate over the corporate seal, setting forth the action taken by the stockholders, or members, and stating the new number of directors, shall be signed by the president and secretary of such corporation or association, and filed in the office of the county clerk of the county where its original articles of incorporation were filed, and a copy of said certificate, certified by

such county clerk, shall be filed in the office of the secretary of state, whereupon the number of directors or trustees shall be changed as stated in said certificate.

CHAPTER 739.

*An act to amend section 362 of the Civil Code of the State of California, relating to the amendment of articles of incorporation.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 362 of the Civil Code of the State of California is hereby amended to read as follows:

362 Any corporation organized under the laws of this state may amend its articles of incorporation for any or all of the following purposes: Amendment of articles of incorporation

(1) To set forth a new name.

(2) To alter or repeal any provision appearing in its original or amended articles of incorporation relative to the purposes for which the corporation is formed, or to set forth, additional powers or purposes.

(3) To designate a principal place of business other than the place designated in its original or amended articles of incorporation.

(4) To state the date to which its existence has been extended.

(5) To state the number of its directors, as increased or diminished.

(6) To state the amount of its capital stock as increased or diminished and the number of shares and the par value thereof, or to change the number of shares and their par value or to provide for the classification of its capital stock into preferred and common shares, in which event there must be set forth a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted, also a clear and succinct statement of the nature and extent of the preference granted, and except as to the matters and things so stated, no distinction shall exist between said classes of stock or the owners thereof; *provided, however,* that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation; *and provided, further,* that both the preferred and common shares shall be of the same par value.

(7) To change the statement appearing in its original or amended articles of incorporation of the nature and extent of such preference, subject to the above limitations.

Majority  
vote of  
directors.

Amended  
articles  
filed

Changes not  
permitted.

(8) And generally to provide for any other amendment not contrary to law. The articles of incorporation may be amended as aforesaid by a majority vote of the board of directors of the corporation and by the vote or written assent of the holders of at least two-thirds of the subscribed capital stock of such corporation, or if the corporation has no capital stock then by a majority vote of its board of directors and by the vote or written assent of a majority of the members. Upon the adoption of amended articles of incorporation, a copy of the articles as thus amended shall be certified to as correct by the president and secretary and a majority of the directors of the corporation and the corporate seal of such corporation shall be affixed to the certificate. Such certificate shall also set forth the proceedings by virtue of which the amended articles were adopted, which proceedings must be in accordance with the provisions of this section above set forth. The copy of amended articles of incorporation, thus certified, shall be filed in the office of the county clerk of the county in which the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk, shall be filed in the office of the secretary of state, whereupon such corporation shall have the same powers, and the stockholders thereof shall thereafter be subject to the same liabilities, as if such amendment had been embraced in the original articles of incorporation. A copy of such copy, certified by the secretary of state, shall be filed in the office of the county clerk of every county in which such corporation has or holds real property, except only the county in which the original articles of incorporation were filed. Any corporation which shall amend its articles of incorporation and shall fail to file copies of its amended articles, as required by the preceding sentence, shall be subject to the penalties and liabilities provided in section two hundred and ninety-nine for a failure of corporations to file copies of their articles of incorporation in the office of the county clerks of the counties in which they shall purchase, hold, or locate property. Nothing contained in this section must be construed to cure or amend any defect existing in the original articles of incorporation, where such defect is of such character as to render such original articles invalid. And it is hereby expressly provided that no corporation shall amend its articles of incorporation to alter the statements which appear in the original articles, of the names and residences of the first directors or the statements which appear in such originals, of the amount of capital stock subscribed and by whom. Nothing appearing herein shall be construed as permitting a corporation to change its name or its principal place of business, extend or reduce its term of existence, or increase or diminish its number of directors or its capital stock, by amending its articles of incorporation.

CHAPTER 740.

*An act providing for the improvement, development or protection of any harbor, bay, inlet, or other arm of the sea, existing within any county of this state, providing for the appointment of a harbor commission by the board of supervisors of any such county to have charge and control of the improvement, development, or protection thereof, and the voting, issuance and sale of the bonds of such county to pay the cost thereof.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. In any county of this state where there exists any harbor, bay, inlet, or other arm of the sea, the board of supervisors of any such county, upon receiving a petition signed by persons who are both freeholders and electors in such county, equal in number to at least fifteen per cent of the vote cast for the office of governor of this state at the last preceding election held in any such county for governor, asking that the matter of issuing bonds of the county for the purpose of improving, developing or protecting such harbor, (naming it by the name by which it is commonly called,) be submitted to the electors of the county, may appoint a harbor commission for such county, who shall perform the duties and exercise the powers hereinafter specified.

Appointment  
of county  
harbor  
commission

SEC. 2. The harbor commission shall consist of five members, each of whom shall, at the time of his or her appointment, be and have been for two years a bona fide resident, elector and freeholder of such county. The harbor commission shall be appointed to serve for the term of four (4) years, and until their successors are appointed and qualified, and any vacancy in the harbor commission shall be filled by appointment by the board of supervisors; *provided, however,* that if, after a careful survey, investigation and examination, the harbor commission shall report to the board of supervisors that the improvement, development or protection of any such harbor is not practicable, or would involve too great an expense, and such report shall be approved by the board of supervisors, the said harbor commission shall thenceforth cease to exist; or if the proposition for the issuance of the bonds of the county for the improvement, development or protection of such harbor shall, when submitted to the electors, fail to carry by the requisite number of votes, or when any proposed improvement, development or protection of such harbor shall have been completed, and that fact established by a finding of the board of supervisors, the said harbor commission shall cease to exist. Thereafter, however, another commission may be appointed with like duties and powers, as provided for in section one hereof.

Membership

Expense of  
improvement  
too great

Oath  
of office.

SEC. 3. Each commissioner shall, within twenty days after he shall receive notice of his appointment, qualify by taking and subscribing the constitutional oath of office, and by executing and filing with the clerk of the county wherein he is appointed, a bond in a sum to be fixed by the board of supervisors, with two sureties, which bond, when approved by the judge or judges of the superior court of such county, shall be recorded in the office of the county recorder, as other official bonds are recorded, at any time subsequent to twenty days after the appointment of the commission. The said commissioners, or a majority of them having qualified, shall meet at some convenient place in the county and organize by electing one of their number chairman of the harbor commission.

Surveys,  
etc

SEC. 4. The commission shall with all diligence proceed to cause proper surveys to be made of any harbor designed to be improved, developed or protected, and shall collect, compile and preserve all proper data and information concerning the said harbor, and as to the necessity, advantage and benefit to be derived by its improvement, development or protection, and shall carefully investigate and examine the condition of such harbor and shall ascertain the best, most feasible and practical plan and system of improvement, development or protection to be used and employed, and of the cost thereof; and shall have power, with the consent and approval of the board of supervisors, to appoint and fix the compensation of a clerk, and his or her necessary office assistants; also employ and appoint an engineer or engineers and other experts, and, if in their judgment it is necessary, employ an attorney. All employees and appointees shall hold office only during the pleasure of the harbor commission.

Clerks

If expense  
too great.

SEC. 5. If the harbor commission shall, after a careful survey, investigation and examination, find and report to the board of supervisors that the improvement, development or protection of the harbor is not practicable, or would involve too great an expense, their report shall be filed, and if approved by the board of supervisors, the harbor commission shall cease, as provided for in section two hereof; but if the harbor commission shall find that the harbor can be improved, developed or protected, and that the public will be benefited by such improvement, development or protection, and that the cost thereof will not be disproportionate to the benefits to be derived, the harbor commission shall provide detailed plans and specifications for the best and most feasible plan of improvement, development or protection of such harbor, and shall estimate the cost thereof and the amount necessary to be raised by the issuance and sale of bonds to do the work, and shall make a complete, full and comprehensive report of their investigation and examination and file the same with the board of supervisors.

Plans for  
improving

Hearing

The board of supervisors shall then fix a date for hearing said report not more than thirty nor less than twenty days after the filing thereof, and shall cause notice of the fact that

said report has been filed, and the date fixed for the hearing thereof to be published in one or more newspapers published in the county, by at least two publications thereof. On the day fixed the board of supervisors shall proceed to hear the said report, and may adjourn such hearing from time to time not exceeding four weeks in all, and shall finally pass upon the same, and may in their discretion refer the same back to the harbor commission for further examination and investigation, or for correction or amendment. When the plans and specifications and report shall finally be accepted and approved by the board of supervisors, they shall pass and adopt a resolution to that effect setting forth the harbor to be improved, developed or protected, designating it by the name by which it is commonly called, the plan or system of improvement, development or protection to be employed and used therein, the estimated cost thereof, and the amount to be raised by the sale of bonds to carry out the plan or system of improvement, development or protection thereof; and shall without delay call an election to determine whether or not the bonds of such county shall be issued and sold in the amount estimated by the harbor commission in their report and set forth in the resolution of the board of supervisors adopting the report. The said election shall be called, held, conducted and carried on, and the said bonds issued and sold and paid for under and in accordance with all the provisions of law now or hereafter existing, concerning and regarding the issuance, sale and payment of county bonds, and all proceedings had in regard to such bonds shall be in accordance with such provisions of law; *provided*, that every election held for the purpose of submitting the question of the issuance and sale of bonds under this act shall be a special election and no other question except the proposition of the issuance and sale of bonds shall be submitted; *provided*, that the proposition of the issuance and sale of bonds for more than one purpose may be submitted to the electors at any such election; *and provided, further*, that for the holding of such special election the board may form bond election precincts by adopting the precincts established for general election purposes, or by consolidating such precincts inside of incorporated cities and towns, to a number not exceeding six in each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct; *and provided, further*, that it shall be sufficient to set forth the purpose for which such bonds are to be issued and sold, to state that the same are for the improvement, development or protection of ----- harbor, (naming the said harbor by the name by which it is commonly called) and any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

Resolution  
of adoption

Election

SEC. 6 All bonds sold for any purpose contemplated by this act shall be sold for not less than the par value and accrued interest of such bonds, and the proceeds thereof shall be deposited in the treasury of the county and placed to the

Special  
fund

credit of a special fund designated ----- harbor fund, created by order of the harbor commission for that purpose, and the said proceeds of the sale of such bonds shall be used solely and exclusively, and for no other purpose, than that for which the bonds were issued.

Mat receive  
donations.

The harbor commission may receive and place to the credit of said fund any and all donations which shall be used for the purpose for which it was donated. No moneys shall be paid out of said fund except upon warrant of the county auditor issued upon the written order of the harbor commission, duly allowed and approved by the board of supervisors.

Management  
of work

SEC. 7. All improvement, development or protection of any harbor, and all work, labor or service employed therein, shall be built, constructed and done under the power, control, management and authority of the harbor commission; *provided, however*, that the provisions of this act shall not apply to any harbor, bay, inlet, or other arm of the sea, or any portion thereof, now maintained or operated by the State of California or any municipality thereof or to any harbor, bay, inlet, or other arm of the sea, in which the State of California has, since the present state constitution was adopted, ceded or granted to any municipality of the state the whole or any portion of the salt marsh or tide lands.

Whenever the funds necessary for the doing of any improvement, development or protection for which bonds have been voted, or raised by donation, shall be in the county treasury, the harbor commission shall proceed to carry into effect the said improvement, development or protection of such harbor; *provided*, that the board of supervisors may sell only such portion of any bonds voted as shall provide funds as the same shall be needed to carry on the work.

One  
or more  
contracts.

The harbor commission shall have power to do all of the work of improvement, development, or protection under one contract, or may segregate the same into separate parts or divisions, and let contracts for any one or more separate parts or divisions. Every contract for doing any part of said work shall be let after advertisement for bids by publishing notice thereof for at least ten days in one or more daily newspapers published in the county; *provided*, that, if there be no daily paper published in the county, then by three publications in a weekly paper published therein. Every contract shall be let to the lowest responsible bidder, who shall give such security as the harbor commission shall require for the full and faithful performance of said contract, and the amount and kind of security required shall be stated in the advertisement for bids; *provided, however*, that the board of supervisors may authorize the harbor commission to make contracts without advertising for bids for any part of the work the cost of which does not exceed five hundred (\$500) dollars; *and provided, further*, that the harbor commission may reject any and all bids, and re-advertise for bids for doing the whole or

any part of said work, or the harbor commission, in its discretion, may, with the approval of the board of supervisors, purchase material, hire or purchase machinery, apparatus or appliances and employ labor and do the work or any part thereof without re-advertising for bids.

SEC. 8. All improvement, development or protection of any harbor done under this act shall be of a substantial and permanent character. Character of improvements.

SEC. 9. The harbor commission shall, once in each six months, make out and verify under their oath, and file with the board of supervisors, a detailed statement of their proceedings, showing the amount of money in the harbor fund at the time of their last report and the amount of all donation since received, and the purpose for which said donations were made, the amount since expended, with the purpose for which it was expended, and the balance remaining on hand in the said fund; *provided*, that the board of supervisors may at any time require a report of the progress of any work being done and of the condition of the harbor being improved, developed or protected, and such other information as the board of supervisors may deem necessary. Statement of proceedings

SEC. 10. Each member of the harbor commission shall receive a per diem of five dollars for each day actually and necessarily spent in the discharge of his or her duties under this act, together with his or her necessary traveling expenses to be allowed by the board of supervisors upon verified demands presented by each commissioner and paid monthly. Prior to the voting of bonds, in any and all work under this act, the board of supervisors shall have power to incur, permit to accrue, audit, approve and pay any demand, debt or obligation against the county in a sum not to exceed five thousand dollars in the aggregate; *provided*, that the board of supervisors may, by a four-fifths vote of said board of supervisors, permit the expenditure of an additional five thousand dollars, but said additional five thousand dollars shall be upon a showing of necessity by the harbor commission and not exceeding one thousand dollars shall be appropriated at any one time. Compensation of commission

All of said money shall be paid out of the general fund of the county until there shall be money in the harbor fund sufficient to reimburse the general fund of the county, when the same shall be reimbursed, and thereafter all sums shall be paid out of the said harbor fund. Money out of general fund

SEC. 11. Anything in this act to the contrary notwithstanding, there is hereby vested in the board of supervisors the power on recommendation of the harbor commission to use any and all moneys in said harbor fund in conjunction with the government of the United States or the State of California in any harbor improvement, development or protection undertaken by said government or state, or to place all or any moneys in such fund at the disposal of the government of the United States or of the State of California for use in the improvement, development or protection of any such harbor. Use of money in conjunction with U S or state

Final  
report of  
commission

SEC. 12. Whenever the harbor commission under the terms of this act shall cease to exist, it shall make a final report to the board of supervisors and file all books, records and papers appurtenant to the commission and of all work done under it with the board of supervisors, and, if the same shall be approved by the board of supervisors, the harbor commission shall be discharged from their duty and their bonds from that date exonerated.

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#### CHAPTER 741.

*An act to amend sections three, five, six, seven, eleven, twelve, eighteen, twenty-one, twenty-three, twenty-five, twenty-seven, forty-two, forty-three, sixty, sixty-three, sixty-six, sixty-seven, seventy-four and seventy-five, of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, and repealing section thirty-six, and sections eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight and eighty-nine thereof relating to work in unincorporated territory.*

[Approved June 11, 1915. In effect August 19, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 3 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, is hereby amended to read as follows:

Resolution  
of intention  
to improve  
street

Sec. 3. Before ordering any work done or improvement made, which is authorized by this act, the city council shall pass a resolution of intention so to do referring to the street by its lawful or official name, or the name by which it is commonly known, and briefly describe the work. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement

should not be carried out in accordance with said resolution; said time shall not be less than fifteen nor more than forty days from the date of the passage of said resolution. Said resolution of intention shall be published twice in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act and any number of streets and rights of way or portions thereof contiguous or otherwise, and it may except therefrom any of said work already done upon a street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision 9 of section 20 of this act.

SEC. 2 Section 5 of said act is hereby amended to read as follows:

Sec 5 After the adoption of the resolution of intention, the street superintendent shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution. In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted along all the open streets within such district at not more than three hundred feet in distance apart but not less than three in all on each street. In every case all the posting must be fully completed at least ten days before the day set for hearing protests or objections as provided in section three hereof.

Notice of passage of resolution to be posted

Said notices shall be headed "notice of improvement" in letters of not less than one inch in length; and shall, in legible characters, state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution.

SEC. 3 Section 6 of said act is hereby amended to read as follows:

Sec. 6. At any time not later than the hour set for hearing objections to the proposed work as provided in section three hereof, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both. Such

Written protest against proposed work

protest must be in writing and be delivered to the said clerk of the city council, and no other protests or objections shall be considered. At the time set for hearing protests the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district, and the city council finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date of the decision of the city council on said hearing, unless the said protest be overruled by an affirmative vote of four-fifths of the members of the city council. The words "proposed work" as used herein, shall mean and include all the work described in the resolution of intention. The city council may adjourn said hearings from time to time.

SEC. 4. Section 7 of said act is hereby amended to read as follows:

Jurisdiction  
acquired.

Sec. 7. If no protests or objections in writing have been delivered to the clerk up to the hour set for hearing provided in section three hereof, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or, when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Notice of  
award  
of contract  
posted.

Sec. 11. Notice of such award of contract shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published twice in a daily, semi-weekly or weekly newspaper published and circulated in said city and designated by said city council; *provided, however*, that in case there is no newspaper published and circulated in such city, then such notice of award shall only be kept posted as hereinbefore provided.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Owners may  
do work

Sec. 12. The owners of three-fourths of the frontage of lots and lands liable to be assessed, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may within ten days after the first publication, or first posting in case there is no publication, of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded, and all work done under such contract shall be subject to

such regulations as may be prescribed by ordinance of the city council. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the date of such written contract, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid.

SEC. 7. Section 18 of said act is hereby amended to read as follows:

Sec. 18. The superintendent of streets is hereby authorized in his official capacity, to make all written contracts, and to receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. The work must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets and all contracts made therefor must contain a provision to that effect; *provided, however,* that if the city council by resolution adopted within ten days after the passage of the resolution ordering the work so directs the work shall be done under the direction of the city engineer and the materials used shall comply with the specifications and be to the satisfaction of said engineer, instead of said superintendent of streets, and in such case the contract shall contain a provision to that effect. Said contract shall contain also express notice that, in no case, except where it is otherwise provided by law or the city charter will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets (or the city engineer, in the cases herein provided) and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets in the mode provided by this act.

Authority to make contracts

Work may be done under city engineer.

SEC. 8. Section 21 of said act is hereby amended to read as follows:

Sec. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or the city engineer, if such power has been delegated to him, as hereinbefore provided, or of the city council on appeal, the street superintendent shall make

Assessment to cover work

Assessment  
to cover  
work

an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portions of a lot (if known to the street superintendent); if unknown the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, on which any work has been done, showing the relative location of each district, lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting or number of lots assessed, for said work contracted for and performed.

SEC. 9. Section 23 of said act is hereby amended to read as follows:

Assessments  
lien on  
lands

Sec 23 Said warrant, diagram, and assessment, together with the certificate, if any, of the city engineer of the quantity and character of the work done, shall be recorded in the office of said superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and certificate, all persons shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Warrant,  
etc.,  
delivered to  
contractor

SEC. 10. Section 25 of said act is hereby amended to read as follows:

Warrant  
returned,  
unpaid  
assessments

Sec. 25. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return attached thereto, signed by the contractor, or his assigns, or some person in his behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets

shall record the return so made with the record of the warrant and assessment either in the margin of said record or in the same book with and immediately following the record of the assessment; and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff, and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued, and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed: *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid, said interest to be computed from the date of the recording of the return

Sec. 11. Section 27 of said act is hereby amended to read as follows:

Sec. 27. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in section 26 of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment after the same may have been corrected, altered, or modified, as provided in said section 26 (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, where personal demand has been made upon the owner or his agent, but not otherwise, the plaintiff shall recover such sum as the court may fix, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall be entitled to have and

Contractor  
may sue.

Attorney's  
fees

recover the sum of fifteen dollars as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the owners whereof can not, with due diligence, be found, the service of each of said actions may be had in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment, certificate and diagram, with the affidavit of demand and nonpayment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action.

Warrant,  
etc.,  
evidence.

Complaint

In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and certificate and the making of said diagram, that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has been demanded in the time, form and manner prescribed in this act and that the same has not been paid.

Description  
of lots

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty cents.

SEC. 12. Section 42 of said act is hereby amended to read as follows:

Superinten-  
dent of  
work

SEC. 42. The superintendent of streets (or the city engineer, if the city council has by resolution directed that the work be done under his direction and to his satisfaction, as provided in section 18 of this act) shall, when in his judgment it is necessary appoint a suitable person or persons to take charge of and superintend the construction and improvement of any work authorized by this act, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect and in case of any departure therefrom to report the same to the superintendent of streets, or to

the city engineer, if appointed by him. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses within the meaning of those words as defined by this act.

SEC. 13. Section 43 of said act is hereby amended to read as follows:

Sec. 43. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered the city council shall pass a resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of regrading, repaving, sewerage, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewerage, sidewalked, or curbed; and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published twice in the newspaper in which the official notices of the city council are usually printed and published, to be designated in such resolution and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. The superintendent of streets shall also cause to be conspicuously posted within the district designated in the resolution, notice of the passage of said resolution. Said notice shall be the same in all requirements of contents and posting as the "notices of improvement" provided for in section five of this act. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the clerk of the council within thirty days from the first publication of the resolution of intention hereinbefore mentioned, or, if objections are presented, and after due notice and hearing are overruled by the council, the city council shall have power to order and declare such grades to be changed and established in conformity to said resolution, which order shall be posted by the clerk on the chamber door of the council for five days.

SEC. 14. Section 60 of said act is hereby amended to read as follows:

Sec. 60. Said serial bonds shall extend over a period not to exceed nine years from the second day of January next succeeding their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the

Interest

whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid.

When payable

Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall place all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him and shall cancel and file each coupon so paid.

Owner may pay

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, all interest thereon which has accrued and is unpaid, and all penalties accrued and unpaid, together with the two semiannual installments of interest which will next thereafter become due according to the terms of such bond. Upon such payment being made to the city treasurer he shall report the same to the street superintendent, who shall forthwith mark paid on the margin of the record of the assessment, the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

Sec. 15. Section 63 of said act is hereby amended to read as follows:

Sec. 63. Said bond shall be substantially in the following form:

Street improvement bond

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$ \_\_\_\_\_ 100. No. \_\_\_\_\_

Under and by virtue of an act of the legislature of the State of California (title of this act), I, out of the fund for the above designated street improvement bonds, series \_\_\_\_\_, will pay to \_\_\_\_\_, or order, the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) with interest at the rate of \_\_\_\_\_ per cent per annum, all

as is hereinafter specified, and at the office of the \_\_\_\_\_ Street  
 treasurer of the \_\_\_\_\_ of \_\_\_\_\_, improvement  
 State of California. bond

This bond is issued to represent the cost of certain street work upon \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, as the same is more fully described in assessment number \_\_\_\_\_, issued by the street superintendent of said \_\_\_\_\_, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number \_\_\_\_\_, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said \_\_\_\_\_ of \_\_\_\_\_, county of \_\_\_\_\_, State of California, \_\_\_\_\_.

This bond is payable exclusively from said fund and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is \_\_\_\_\_ years from the second day of January next succeeding its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of \_\_\_\_\_ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of \_\_\_\_\_, and thereafter the interest coupons are for semiannual interest, except the last, which is for interest from the semiannual payment next preceding and to the date of the final maturity of this bond.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, all interest thereon which has accrued and is unpaid and all penalties accrued and unpaid, together with the two semiannual installments of interest which will next thereafter become due according to the terms of said bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand \_\_\_\_\_ hundred and \_\_\_\_\_.

City treasurer of the \_\_\_\_\_ of \_\_\_\_\_.

SEC. 16. Section 66 of said act is hereby amended to read as follows:

To whom payable

Coupons.

Record of bonds

Sec. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof and of all penalties accruing thereon; and he shall report all payments of coupons or penalties upon said bonds, with the dates thereof, to the street superintendent, who shall forthwith endorse the same upon the margin of the record of the assessment to the credit of which the same are paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon and the penalties, if any, shall be fully paid according to the terms thereof. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act.

SEC. 17. Section 67 of said act is hereby amended to read as follows:

Penalty for non-payment

Sec. 67. In case any annual or semiannual coupon, representing either principal or interest, is not paid at the office of the city treasurer within fifteen days after the same is due, immediately a penalty of ten per cent of the amount of such coupon shall be added thereto and to the amount due on the bond to which it was or is attached, and shall be immediately due and payable.

Whenever payment on any such bond, either upon the principal or of any interest, or of any penalty, is not made when the same is due, and the holder of the bond while any of the same remains unpaid demands, in writing, that the said city treasurer proceed to advertise and sell the land described in such bond as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

SEC. 18. Section 68 of said act is hereby amended to read as follows:

Sec. 68. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as herein-before provided, the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice of which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with penalties and the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

Notice of delinquency of bond

A like notice shall not less than fifteen days before the day of sale so fixed be deposited by the city treasurer in the post office at such city, addressed to the person to whom said property is assessed upon the last assessment roll of such city (or if the city has no assessment roll, upon the last assessment roll of the county in which such city is situated), at his address, if known, with the postage thereon prepaid. When the address of such person is unknown the notice shall be mailed to him at the city in which said property is located.

At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with penalties and costs, and such bond shall thereupon be cancelled; but in case such payment is not made by such owner, or person in possession, or by some one in his behalf of such owner or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with penalties and costs for the least portion of such lot or parcel of land offered for sale.

Owner may pay before sale.

SEC. 19. Section 70 of said act is hereby amended to read as follows:

Sec. 70. The city treasurer must collect, in addition to the amount due on such bond, the penalties hereinabove provided for and the cost of the publication of such notice, and one dollar, being for the certificate of sale delivered to the purchaser as hereinafter provided and for the cost of filing the duplicate thereof, as hereinafter provided.

Additional penalties

SEC. 20. Section 72 of said act is hereby amended to read as follows:

Sec 72. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, for the amount of the purchase money, and is only divested of such lien by the payment to the city treasurer for the purchaser of the purchase money, and in addition thereto ten per cent thereon, with interest on said purchase money at one per cent per month from date of sale.

Purchaser's lien on property.

Certificate  
of sale

The city treasurer shall issue for each sale an original and a duplicate certificate of sale referring to the proceedings, describing the parcel sold and giving the name of the purchaser and the amount for which said parcel was sold and shall deliver the original certificate to the purchaser and shall file the duplicate in the office of the recorder of the county in which the land sold is situated.

SEC. 21. Section 74 of said act is hereby amended to read as follows:

Duplicate  
filed by  
recorder

SEC. 74. On receiving the duplicate certificate of sale, the recorder must file it and make an entry in a book similar to that required to be kept by the city treasurer, the fee for which shall be fifty cents. He shall also, when requested, without other charge, endorse the fact of filing the duplicate certificate on the original certificate. On redemption, the city treasurer shall issue his receipt for the total amount of the redemption money and shall file the same with the recorder, who must, without charge, mark the word "redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

SEC. 22. Section 75 of said act is hereby amended to read as follows:

Deed to  
property  
not  
redeemed

SEC. 75. If the property is not redeemed within the time allowed by the provisions of section seventy-three hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however*, that the purchaser of the property, or his assignee, or the agent, of either of them, must at least thirty days prior to the expiration of the time of redemption, or thirty days before his application for his deed, serve upon the owner of the property purchased, and upon the occupant of such property, if the same is occupied, a written notice stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number and series of the bond, the amount then due, and the time when the right of redemption will expire or when the purchaser, or his assignee, will apply for a deed, and the owner of the property shall have the right of redemption indefinitely until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. Where said owner resides out of the state, or has departed from the state, or can not after due diligence be found within the state, or conceals himself to avoid the service of said notice, or is a corporation hav-

Notice of  
sale and  
application  
for deed

ing no managing or business agent, cashier, or secretary, or other officer upon whom summons may be served according to law, who, after due diligence, can not be found within the state, and the fact appears by affidavit filed in the office of the city treasurer, service of said notice shall be made by publishing the same once a week for four successive weeks before the expiration of the time for redemption or before the application for a deed, in a newspaper of general circulation published in the county wherein said property is situated. In case of publication, where the residence of a non-resident or absent owner is known, a copy of said notice shall, within three days after the first publication of the same, be deposited in the post office, directed to the person to be served, at his place of residence, postage thereon prepaid. Where the residence of said owner is unknown then a copy of said notice shall within three days after the first publication of the same be deposited in the post office directed to the person to be served at the city in which said property is located postage thereon prepaid. The owner of the property shall have the right of redemption indefinitely until notice shall have been given as herein provided and said deed applied for, upon the payment of the fees, penalties and costs in this act required. No deed to the property sold in accordance with the provisions of this act shall be issued by the city treasurer to the purchaser of such property, or his assignee, until there shall have been filed with such city treasurer an affidavit or affidavits showing that the notice hereinbefore required to be given has been given as herein required, which said affidavits shall be filed and preserved by the said treasurer as are other records kept by him in his office. The cost of publication of notice of delinquent sale and the cost of publication of notice of application for a deed shall each become a lien against the property at the time of the first publication thereof. The purchaser or his assignee shall be entitled to receive the sum of three dollars for his service of such notice and the making of the affidavit thereof, where the notice is served personally, and the cost of publication together with fifty cents for the affidavit of due diligence and fifty cents for the affidavit of publication where service is made by publication, all of which sums shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

Affidavit that notice has been given.

Sec. 23. Sections thirty-six, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight and eighty-nine of said act are hereby repealed. Repealed

## CHAPTER 742.

*An act to prevent the sale of impure and unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor.*

[Approved June 11, 1915 In effect October 1, 1916.]

*The people of the State of California do enact as follows:*

Milk  
must pass  
tuberculin  
test.

SECTION 1. It shall be unlawful for any person, firm or corporation, except in bulk to the wholesale trade, to sell or exchange or offer or expose for sale or exchange for human consumption any milk from cows that have not passed the tuberculin test, until it has been pasteurized by the holding process at a temperature not less than one hundred forty degrees Fahrenheit for twenty-five minutes; *provided*, that milk for drinking purposes shall not be heated above one hundred forty-five degrees Fahrenheit. It shall further be unlawful for any person, firm or corporation to sell or exchange or offer or expose for sale or exchange any milk products except cheese, into the composition of which any milk enters other than that permitted in this section of this act, to be sold at retail. For the purpose of this act milk shall be construed to include cream.

Unlawful  
to sell  
uninspected  
milk.

SEC. 2. It shall be unlawful for any person, firm or corporation to sell or exchange, or offer for sale or exchange, in any city, county or city and county, in which a milk inspection service, approved by the state dairy bureau, has been established, any milk otherwise than as hereinafter provided in this act, and for the purpose of this act, the term "inspecting department" shall be construed to mean the health department of a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved by the state dairy bureau.

Impure  
milk

SEC. 3. All milk, except certified milk, guaranteed milk, grade A milk, and grade B milk, is hereby declared to be impure and unwholesome and must not be sold for human consumption.

Grades.

SEC. 4. For the purpose of this act, milk shall be graded as follows: certified milk, guaranteed milk, grade A milk, grade B milk and milk not suitable for human consumption; *provided*, that milk not suitable for human consumption shall be plainly so marked.

Guaranteed  
milk

SEC. 5. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as or for guaranteed milk, any milk, raw or pasteurized the quality of which is guaranteed by the dealer, without approval in writing of the inspecting department, which milk must be of a higher standard than that required for grade A raw milk.

SEC. 6. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade A milk, any milk that does not conform to the rules and regulations and the methods and standards for production and distribution of grade A milk adopted by the inspecting department.

Grade A milk shall conform to the following requirements as a minimum: If raw, it shall consist of the clean raw milk from healthy cows as determined by physical examination and by the tuberculin test by a qualified veterinarian under the supervision of the inspecting department, and from dairies that score not less than seventy per cent on the score card adopted by the United States bureau of animal industry, department of agriculture. The tuberculin test must be repeated annually if no reacting animals are found in the herd. If reacting animals are found they must be removed from the herd, and the tuberculin test repeated in six months. All cows are to be fed, watered, housed and milked under conditions approved by the inspecting department. All persons who come in contact with the milk must exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria or other infectious diseases liable to be conveyed by milk. Absence of such infections shall be determined by cultures and physical examination, to the satisfaction of the inspecting department.

This milk is to be delivered in sterile containers and is to be kept at a temperature established by the inspecting department until it reaches the ultimate consumer, when it must contain less than one hundred thousand bacteria per cubic centimeter. If pasteurized it shall come from cows free from disease as determined by physical examination at least once in six months, by a qualified veterinarian of an inspecting department. It shall contain less than two hundred thousand bacteria per cubic centimeter before pasteurization and less than ten thousand bacteria per cubic centimeter at the time of delivery to the ultimate consumer. Dairies from which this milk is derived must score at least sixty on the score card adopted by the United States bureau of animal industry, department of agriculture.

SEC. 7. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade B milk, any milk that does not conform to the following requirements as a minimum: It must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian of an inspecting department. Before pasteurization such milk shall contain less than one million bacteria per cubic centimeter. After pasteurization it shall contain less than fifty thousand bacteria per cubic centimeter.

Milk  
for pas-  
teurization

Milk for pasteurization must be kept at a temperature established by the inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of fifty degrees Fahrenheit or below and so maintained to the time of delivery of the same. Pasteurization shall be by the holding method at a temperature not less than one hundred forty degrees Fahrenheit; *provided*, that milk for drinking purposes shall not be heated above one hundred forty-five degrees Fahrenheit.

Such pasteurizing plant shall be equipped with a self-registering device for record of the time and temperature of pasteurization. Such records shall be kept for two months and be available for inspection by any health department, the state veterinarian or any of his agents, or the state dairy bureau. Pasteurized milk shall be marked with the day of the week of pasteurization and must be delivered to the consumer within forty-eight hours thereafter. If milk is repasteurized, it must not be sold except as not suitable for human consumption.

Milk not  
suitable  
for human  
consumption

SEC. 8. Milk not suitable for human consumption may be sold for industrial purposes, provided it be heated to a higher temperature than necessary for pasteurization, and delivered in a distinctive container, plainly marked with the words "not suitable for human consumption," in letters not less than one-quarter inch in length and one-twelfth inch stroke.

Milk  
inspection  
service.

SEC. 9. Counties, or groups of counties, cities or groups of cities, or cities and counties, are hereby authorized to maintain a milk inspection service and laboratory conformable to requirements as set forth by the state dairy bureau, and to establish pasteurizing plants.

Penalty

SEC. 10. Any person who shall violate any provision of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment. One-half of all such fines shall be paid into the state treasury and placed to the credit of the general fund.

Duty of  
state dairy  
bureau

SEC. 11. It shall be the duty of the state dairy bureau, with the assistance of the pure food and drugs laboratory, to enforce all the provisions of this act except the tuberculin testing of cows; and said bureau, with the approval and assistance of the pure food and drugs laboratory, is hereby empowered to make such rules and regulations as may be necessary and advisable for such enforcement.

Duty  
of state  
veterinarian

SEC. 12. It shall be the duty of the state veterinarian, as soon as practicable, either directly or through local inspecting departments, to enforce the provisions of this act as to the tuberculin testing of cows. For such purpose he may appoint such veterinarians as may be necessary.

Request  
that cows  
be tested

SEC. 13. If any dairyman not operating under an inspecting department desires to sell milk, he may file with the state veterinarian a written request that his cows be tuberculin

tested After the filing of such request, said dairyman shall not be liable under the provisions of this act until such time as the state veterinarian shall be able to make the required test. The provision of this section shall apply also to any dairyman, operating under an inspecting department, if such inspecting department approves.

SEC. 14. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to be expended by the state veterinarian in accordance with the law to carry out the purposes of this act. Appropriation

SEC. 15. The provisions of this act shall be effective on and after October 1, 1916. In effect

### CHAPTER 743.

*An act to amend section two hundred ninety of the Civil Code of the State of California, relating to articles of incorporation and what they must set forth.*

[Approved June 1, 1915. In effect August 8, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section two hundred ninety of the Civil Code of the State of California is hereby amended to read as follows:

290. Articles of incorporation must be prepared, setting forth: Articles of incorporation

1. The name of the corporation
2. The purpose for which it is formed.
3. The place where its principal business is to be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of its directors or trustees, which shall not be less than three, and the names and residences of those who are appointed for the first year; *provided*, that the corporate powers, business, and property of corporations formed, or to be formed for purposes other than profit, may be exercised, conducted, and controlled by a board, consisting of such number of directors as may be in the constitution and by-laws provided; and corporations so formed may, in their constitution or by-laws, provide for the length of time that the directors, or any number thereof, shall act, and may in like manner provide that certain directors, or a certain number of the board of directors, to be selected by the corporation or the board of directors, in the mode and manner provided in the constitution or by-laws, shall act for any specified length of time, or otherwise, as shall be in the constitution or by-laws set forth. Number of directors
6. The amount of its capital stock, and the number of shares into which it is divided and the par value thereof. Corporations formed for profit, pursuant to the provisions of this code, Amount of capital stock

may, by their articles of incorporation, provide for the classification of their capital stock into preferred and common stock. In the event that the articles of incorporation shall provide for such classification the same must contain a statement of the number of shares of a stock to which preference is granted, and the number of shares of stock to which no preference is granted. The articles of incorporation shall also state, in clear and succinct manner, the nature and extent of the preference granted, and except as to the matters and things so stated, no distinction shall exist between said classes of stock or the owners thereof; *provided, however*, that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation; *and provided, further*, that the preferred and common shares shall be of the same par value.

7. If there is a capital stock, the amount actually subscribed, and by whom.

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#### CHAPTER 744.

*An act to add a new section to the Political Code, to be numbered six hundred twenty b, relating to the withdrawal of deposit of securities by insurance companies.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be numbered six hundred twenty b, to read as follows:

Withdrawal  
of securities  
by insurance  
companies.

620b. Whenever securities have been deposited by an insurance company created under the laws of this state with an officer thereof to enable it to do business in another state, pursuant to the laws of said state, such securities may be withdrawn whenever such company ceases to do business in such other state and conclusive evidence is filed that all policies written in such other state have expired or been paid, canceled or reinsured; said securities in such event must on demand be returned to the company depositing them.

CHAPTER 745.

*An act to provide for the formation, management and dissolution of county power pumping districts; for supplying the land owners and inhabitants thereof with water and with the power necessary to pump the same; for the levy and collection of taxes on property in such districts; and for the issuance of county power pumping district bonds and for the payment thereof.*

[Approved June 11, 1915. In effect August 10, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and referred to as the <sup>Name of act.</sup> "county power pumping district act."

SEC. 2. Any area of land within this state, wholly within <sup>Land may be formed into district.</sup> one county and outside of incorporated cities and towns, or containing the whole or any portion of one or more incorporated cities or towns and contiguous unincorporated territory, and not already included within any irrigation district, in need of artificial irrigation and not already supplied with adequate facilities therefor and possessed of an available supply of sub-surface water, may be formed into a power pumping district and provisions made for obtaining power and pumping the waters necessary for the irrigation of such lands in the manner and under the proceedings hereinafter prescribed.

SEC. 3. A petition for the formation of such district may <sup>Petition for formation</sup> be presented to the board of supervisors of the county in which the proposed district is located, which petition shall be signed by not less than fifty per cent of the land owners within said district. The term "land owners," as herein used, shall include all freeholders and holders of possessory rights under any law of the United States or of the State of California.

The said petition shall contain:

- (1) The name and boundaries of the proposed district;
- (2) The source from which the lands therein are proposed to be irrigated;

(3) A general description of the improvement or improvements proposed for the purpose of supplying the district with water, and which improvement or improvements may embrace any or all of the following: <sup>Description of improvement.</sup> (a) The construction, acquisition, operation and maintenance of electric or other power plants, together with all necessary transmission and distributing lines and equipment therefor; (b) the construction, acquisition, operation and maintenance of electrical transmission and distributing lines and equipment for the purpose of transmitting power to all points within such district, and the acquisition of electrical or other power by contact, rental or otherwise, from such plant or plants within said district; (c) the acquisition of power for such district by contract therefor, as provided in subdivisions 5 and 6 of section 12 hereof; (d) the acquisition, construction, installation, completion, extension, repair or

maintenance of all plants, works, structures and appurtenances; (e) the acquisition, by purchase, condemnation, contract, lease or otherwise, of lands, rights of way, water, water rights and electric and water service necessary or convenient for such purpose; (f) the drilling, sinking and construction of wells for the development of sub-surface waters, and the installation of pumps and motors and all appliances necessary or convenient in connection therewith;

Estimate  
of cost

(4) An estimate of the cost of the proposed improvement or improvements, including all incidental expenses in connection therewith;

Election

(5) A request that an election be called in the proposed district for the purpose of submitting to the qualified electors thereof the proposition of forming such district and incurring indebtedness, by the issuance of the bonds of such district, to pay the cost and expenses of the proposed improvement or improvements.

Map

There must be filed with such petition: (a) A map showing the exterior boundaries of the proposed district, with relation to the territory immediately contiguous thereto, and plans and specifications of the proposed improvement; (b) a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming such district, conditioned that the sureties shall pay said cost in case the formation of such district shall not be effected.

Time for  
hearing

SEC. 4. Such petition, together with the map and undertaking hereinabove described, must be presented at a regular meeting of said board of supervisors, and the board shall thereupon fix a time for hearing the same and protests of interested parties, not less than twenty-one nor more than thirty days after the date of presentation thereof. The clerk of the board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in the proposed district. Such notices shall be headed "notice of the formation of (here insert name) county power pumping district No. (here insert number of district)," in letters not less than one inch in length, and shall in legible characters state the fact and date of the filing of such petition, the day and hour set for hearing the same and the protests, briefly describe the proposed improvement or improvements, specify the exterior boundaries of the district, and refer to the said petition, map and plans and specifications for further particulars. The said clerk shall also cause a notice similar in substance to be published at least once a week for two consecutive weeks in a newspaper, designated by said board of supervisors, of general circulation printed and published in the county in which the proposed district is located. Said notices must be published and posted as above provided, at least ten days before the date set for the hearing of said petition.

Objection  
to formation

SEC. 5. Any person objecting to the formation of the proposed district or the extent thereof, or the improvement or improvements proposed, or to the inclusion of his property in

such district, may file a written protest with the clerk of said board at or before the time set for the hearing of such petition. The clerk of said board shall endorse on each protest the date of its reception by him, and at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. The said board shall hear said petition and protests at the time appointed or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any protest or protests against the formation of the proposed district or against the proposed improvements as a whole, be sustained, no further proceedings shall be had or taken pursuant to said petition, but a new petition for the same or a similar purpose may be filed at any time. If any protests be filed as against the extent of the proposed district, or against the inclusion therein of any specified property, the board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, and may upon written application of the owner thereof, at the same time include therein the lands of any contiguous land owner suitable for the purposes of the proposed district.

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act. The determination of the board of supervisors as to whether the area of land embraced within such district is possessed of an available supply of sub-surface water, and as to whether said petition has been signed by the requisite number of land owners within said district, and as to whether all the requirements of section three of this act have been fully complied with, together with all its determinations upon questions of fact shall be final and conclusive.

SEC 6. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting after having acquired jurisdiction to proceed, as above provided, provide for and order the holding of a special election in the proposed district and the submission to the qualified voters thereof of the proposition to form such district and incur an indebtedness, by the issuance of bonds thereof, for the purposes set forth in said petition. The ordinance or resolution calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed improvement or improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid upon such indebtedness, and shall fix the date at which such election shall be held, the manner of holding the same, and the manner of voting for or against the proposition. The maximum rate of interest to be paid on such indebtedness shall be eight per cent per annum, payable semiannually. Prior to calling such

election the board of supervisors must cause such investigation to be made as shall be necessary to establish the fact that the proposed works can be constructed within the limits of the proposed bonded indebtedness and that there is available a sufficient supply of water.

Election  
procedure

SEC. 7. For the purposes of said election the board of supervisors shall, in such ordinance or resolution, establish one or more precincts within the boundaries of the proposed district, designate a polling place in each precinct and appoint such officers of election as said board shall deem necessary. In all particulars not recited in such ordinance or resolution, such election shall be held as provided by law for the holding of general elections in such county. Said ordinance or resolution ordering the holding of such election shall, prior to the date set for such election, be published five times in a daily or twice in a weekly or semi-weekly newspaper of general circulation printed and published in said county and designated by the board of supervisors for that purpose. No other notice of such election need be given. If at such election two-thirds of the votes cast are in favor of the formation of the proposed district and incurring of the proposed bonded indebtedness, then the board of supervisors shall enter an order to that effect upon its minutes, declaring said district formed, and the said board of supervisors shall thereupon be authorized and empowered to issue, and shall issue the bonds of said district for the amount provided for in said proceedings, payable out of the funds of such district to be provided as in this act prescribed; *provided, however*, that the entire bonded indebtedness of any district formed under the provisions of this act, as represented by the par value of bonds issued and to be issued and outstanding hereunder at any time, shall not exceed an amount greater than two dollars per acre for each acre of land contained in said district, subject to the provisions of this act; *provided, however*, that in the event that the proposed improvement or improvements shall embrace the drilling, sinking and construction of wells for the development of sub-surface waters and the installation of pumps and motors and all appliances necessary or convenient in connection therewith, then the entire bonded indebtedness of such district so formed as represented by the par value of bonds issued and outstanding hereunder at any time may equal, but shall not exceed, an amount greater than ten dollars (\$10) per acre for each acre of land contained within said district.

Denom-  
inations,  
interest and  
condition  
of bonds.

SEC. 8. The board of supervisors, by an order entered upon its minutes, shall, subject to the provisions of this act, prescribe the denominations, interest and condition of said bonds and of the interest coupons attached thereto. Said bonds may contain appropriate provisions for their redemption prior to the maturity thereof. Said bonds shall be signed by the chairman of the board of supervisors, countersigned by the county auditor, and the seal of said county shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and

signed by the auditor of said county by his engraved or lithographed signature. In case any such officer whose signature or countersignature appears on such bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall, nevertheless, be valid and sufficient for all purposes in like manner as though such officer had remained in office until the delivery of the bonds.

SEC. 9. The board of supervisors may issue and sell the bonds of such district, authorized as hereinabove provided, at a price not less than the par value thereof, and the proceeds of sale of such bonds shall be placed in the county treasury to the credit of the proper district fund, and shall be applied to the purposes and objects mentioned in the ordinance or resolution ordering the holding of such bond election, as aforesaid. Sale of bonds.

SEC. 10. The board of supervisors shall levy a tax each year, upon all the taxable property in such district, sufficient (in connection with any other funds available for that purpose under the provisions of this act), to pay the interest on said bonds that year, and to take care of the sinking fund provisions as provided in the bonds, and such proportion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected at the time and in the manner aforesaid each year sufficient to pay the interest on such indebtedness as it falls due, and also (in connection with any other funds available as aforesaid), to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be levied and collected at the time and in the same manner as the general tax levied for county purposes, and when collected shall be paid into the county treasury and be used for the payment of the principal and interest on said bonds, and for a sinking fund, and for no other purposes. The principal and interest on said bonds shall be paid by the county treasury in the manner provided by law for the payment of principal and interest on bonds of such county. Tax levy

SEC. 11. The board of supervisors of any county wherein a district has been formed under the provisions of this act, shall have the power in any year after the establishment of such district, to levy a tax upon the taxable property in such district, sufficient to pay the cost and expenses of maintaining, operating, extending and repairing said system for the ensuing fiscal year. And said tax shall be levied and collected at the time and in the same manner as the general tax levied for county purposes, and the revenue derived from such tax shall be paid into the county treasury to the credit of the proper fund of such district, and the board of supervisors shall have power to control and order the expenditure thereof for the purposes aforesaid. Tax for maintenance, etc.

Power of  
supervisors

SEC. 12. Said board of supervisors shall have the power, and it shall be its duty:

(1) To manage and conduct the business and affairs of the district;

(2) To make and execute all necessary contracts;

(3) To employ and appoint such agents, officers and employees as may be required and prescribe their duties;

(4) For the use of such district to acquire, by purchase, lease, contract, condemnation or other legal means, all the lands, water and water rights, and other property necessary for the construction, use, maintenance, repair and improvement of such plants, works and appurtenances;

(5) To obtain and acquire electricity or other power by contract, rental or otherwise, as may be needed for pumping water for said district from the source or sources of supply, including the distribution of such power to the land owners, to be used upon and within the lands of said district;

(6) To enter into a contract with any person partnership or corporation engaged in the generation, manufacture, distribution or sale of electrical or other power, for the construction of all such transmission and distributing lines and equipment and appurtenances necessary or convenient to supply the said district with power, and for the acquisition from any such person, partnership or corporation of such electrical or other power as may be desirable for pumping and distributing water as contemplated by this act. Such contracts shall also provide that twenty-five per cent of all amounts collected or received by any such person, partnership or corporation from the said district or the consumers therein for power used by them, shall be set aside as fast as received and paid into the county treasury to the credit of the said district fund, and shall constitute a sinking fund for the redemption or payment of the bonds issued for the construction of such transmission and distributing lines and equipment and appurtenances. Whenever sufficient funds shall have been so paid to redeem or to pay said bonds, so issued for the purposes aforesaid, the said transmission and distributing lines and appurtenances shall thereupon be and become the property of such person, partnership or corporation which has in this manner paid for the same, and the board of supervisors shall have the power and it shall be its duty to execute all such conveyances and other instruments of transfer as may be necessary to vest the title to such transmission and distributing lines and appurtenances and equipment in such persons, partnerships or corporations;

(7) To drill, sink and construct wells and to install pumps and motors and all appliances necessary or convenient in connection therewith;

(8) To perform any and all other acts necessary or proper to accomplish the purposes of this act

Dissolution  
of district.

SEC. 13 Any such district may be dissolved by the board of supervisors in the manner following: Upon receiving a

petition signed by fifteen per cent or more of the freeholders and power consumers of such pumping district, requesting the dissolution thereof, the board of supervisors shall fix a date for the hearing of such petition, which shall be not less than ten days nor more than thirty days after the receipt of such petition, and shall, at least five days prior to the date so fixed, publish a notice of such hearing by one insertion in a daily, weekly or semi-weekly newspaper printed, published and circulated in said county. At the time appointed for such hearing or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision shall be final and conclusive.

If such petition be granted the board of supervisors shall, by ordinance or resolution, provide for and order the holding of a special election in such district, and the submission to the qualified voters thereof of the proposition to dissolve the same. The ordinance or resolution shall recite the filing of the petition for dissolution, and the approval of the same by the board of supervisors, and shall establish one or more precincts within the boundaries of the district, designate a polling place in and for each precinct, and appoint such officers of election as the board of supervisors shall deem necessary. In all particulars not recited in such ordinance or resolution, such election shall be held as provided by law for holding general elections in such county. Said ordinance or resolution, ordering the holding of such election, shall, prior to the date set for such election, be published five times in a daily or twice in a weekly or semi-weekly newspaper printed and published in said county and designated by the board of supervisors for such purpose. No other notice of said election need be given. If at the time of said election a majority of the votes cast are in favor of the dissolution of such district, then the board of supervisors shall enter an order to that effect upon its minutes, declaring such district dissolved, and upon the entry of such order said district shall be dissolved; *provided, however*, that if at the time of the dissolution of said district there shall be any outstanding bonds or other indebtedness of said district, a tax for the payment of such bonds or other indebtedness shall be levied and collected in said district to pay such indebtedness, in like manner as though such district had not been dissolved.

SEC. 14. This act shall not affect any other act or acts relating to the same or a similar subject, but is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act, its provisions and none other shall apply.

SEC. 15. The provisions of this act shall be liberally construed to effect the purposes thereof.

## CHAPTER 746.

*An act to provide for the erection of a memorial monument to deceased members of the G. A. R.; appointing a commission therefor; and providing an appropriation to carry this act into effect.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Committee  
on G. A. R.  
monument at  
Long Beach

SECTION 1. The governor of this state is hereby empowered to appoint a committee of three citizens of the State of California to act with a like committee, namely: G. W. Wilcox, L. W. Archer and H. C. Russell representing the Long Beach G. A. R. Post No. 181, who shall choose a site and erect a memorial monument in the city of Long Beach to deceased members of the G. A. R.

Appropriation

SEC. 2. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars to be expended in accordance with law for the purpose of this act.

When  
available

SEC. 3. None of the moneys herein appropriated shall be available until there shall have been erected upon the site selected, a suitable base for said monument and an additional sum of one thousand dollars (\$1000.00), or more deposited in the National Bank of Long Beach to be used for the purposes of and in the manner mentioned in this act. The base so erected shall be subject to the approval of the joint committee and proof of payment of the cost of construction thereof shall be made to the satisfaction of the state board of control.

## CHAPTER 747.

*An act to create a revolving fund for the manufacturing departments at the state prison at San Quentin and to appropriate money therefor.*

[Approved June 12, 1915. In effect immediately.]

*The people of the State of California do enact as follows:*

Appropriation  
San  
Quentin  
revolving  
fund

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be known as the San Quentin prison manufacturing revolving fund, which fund is hereby created; said fund shall be used to meet the expenses necessary in the purchasing of material and equipment and for maintenance of the manufacturing departments of the state prison at San Quentin. Of the money received from the sale of any goods manufactured in said manufacturing departments of San Quentin prison, so much shall be returned to said revolving fund as shall replenish the said fund and keep

it intact to the extent of the amount herein appropriated for the same, and any surplus or balance remaining after the replenishment of said fund shall be paid into the San Quentin prison fund.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section one of article IV of the constitution of the State of California, take effect immediately. In effect immediately.

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CHAPTER 748.

*An act to provide for the survey, location and estimate of cost of a state highway from a point on the present located California state highway in Kern county, California, south of Bakersfield, southerly to the town of Nordhoff, Ventura county.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the amount of eight thousand dollars for the survey and location and preparation of estimate for a state highway, beginning at some point on the present located state highway in Kern county, south of Bakersfield, southerly to the town of Nordhoff, Ventura county. Appropriation survey of highway to Nordhoff.

SEC. 2. The work of surveying, locating and making of an estimate is placed under the charge of the state department of engineering, and it shall be the duty of said department to make such location and survey along the route which in their opinion is deemed most advisable.

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CHAPTER 749.

*An act to add a new section to the Political Code to be numbered four thousand forty-one b, authorizing boards of supervisors to appoint an advisory board to co-operate with the county assessor in appraising taxable property in the county.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand forty-one b and to read as follows:

4041b. Whenever, in the judgment of the board of supervisors of any county, it is deemed to be for the best interest of the county, on account of changes in land values, that there be appointed an advisory board to co-operate with the county Advisory board to co-operate with county assessor

assessor in making the annual appraisalment of real property therein for taxation purposes, the board of supervisors, by a four-fifths vote, may appoint such advisory board, which shall consist of three members. Before any person thus appointed shall enter upon the duties of his office he shall take the oath of office and shall execute such bond as the supervisors may prescribe. The members of the advisory board shall be allowed their necessary expenses and each member shall receive a compensation of six dollars per day while actually engaged in the duties of his office. All claims for compensation and expenses hereunder shall be paid out of the general fund of the county after approval by the board of supervisors.

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## CHAPTER 750.

*An act to amend section one thousand five hundred seventy-seven of the Code of Civil Procedure of the State of California.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one thousand five hundred seventy-seven of the Code of Civil Procedure is hereby amended to read as follows:

Court may  
authorize  
executor  
to lease or  
sell real  
property

1577. Whenever, in any estate now being administered, or that may hereafter be administered, or in any guardianship proceeding now pending, or that may hereafter be pending, it shall appear to the superior court, or a judge thereof, to be for the advantage of the estate to raise money upon a note or notes to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said real property, or any part thereof, or to agree to sell or give an option to purchase a mining claim, or mining claims, or real property worked as a mine, or an undivided interest in real property, the court or judge, as often as occasion therefor shall arise in the administration of any estate, or in the course of any guardianship matter, may on a petition, notice, and hearing as provided in this article authorize, empower and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real property, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof, or to enter into an agreement to sell such real estate, or any part thereof, or to give an option to purchase such real estate or any part thereof. The proceedings to be taken to obtain an order to enter into an agreement for the sale of or for an option to purchase a mining claim or claims or real property worked as a mine, and the effect thereof shall be as provided in section

one thousand five hundred eighty of this code, and the provisions of said section in so far as applicable shall also govern the proceedings to be taken to obtain an order to enter into an agreement for the sale of or for an option to purchase an undivided interest in real property and the effect thereof.

CHAPTER 751.

*An act to provide the manner in which protection districts may be dissolved.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Any protection district organized under the provisions of an act entitled "Act 3639—to protect lands not recognized as swamp lands from overflow (stats. 1880, p. 55)." and all acts supplementary thereto or amendatory thereof, including an act entitled, "Act 3641—an act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of unnavigable streams and water courses for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same. (approved March 27, 1895, stats. 1895, p. 247)." and all acts supplementary thereto or amendatory thereof including an act entitled, "An act to amend an act entitled 'An act to provide for the formation of protection districts in the various counties of this state for the improvement and rectification of the channels of unnavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening and straightening and otherwise improving the same and to authorize the boards of supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same, and enlarging the discretion of boards of supervisors concerning such districts and improvements. (approved March 20, 1903).'" and all acts supplementary thereto or amendatory thereof, including an act entitled, "An act to amend section five and section ten of an act entitled, 'To provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of unnavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited, to pay the

Protection districts may be dissolved

expenses of the same, (approved March 27, 1895), by enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territories situated within municipal corporations. (approved March 6, 1909).'' and all acts supplementary thereto or amendatory thereof, including an act entitled "An act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an act entitled, 'An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of unnavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same,''' (approved March 23, 1911). and all acts supplementary thereto or amendatory thereof, may be dissolved in the manner hereinafter provided.

Hearing  
on petition

SEC. 2. Upon receiving a petition signed by the holders of title to the majority of acreage to real property in any protection district, requesting the dissolution of such district, the board of supervisors shall fix a time for hearing such petition, which shall be not less than thirty days after the receipt of such petition, and shall publish notice of such hearing by one insertion each week prior to such hearing in a daily, weekly or semiweekly newspaper printed, published and circulated in said county and by posting notices thereof in three public places in said district.

At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon such petition, and may grant the same, if said petition be signed by the holders of title to the majority of acreage, to real property in any protection district

Resolu-  
tion of  
dissolution

If such petition be granted the board of supervisors shall, by ordinance or resolution, order the dissolution of said district, and such district shall thereby be dissolved; *provided*, that if at the time of the dissolution of said district there be any outstanding bonded or other indebtedness of such district, then taxes for the payment of such bonded or other indebtedness shall be levied and collected the same as if such district had not been dissolved.

CHAPTER 752.

*An act to amend an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, by amending sections one, two, three, four, six, seven, eight, and nine thereof and by adding a new section thereto to be known and numbered as section eleven and one-half, all relating to the licensing of stallions and jacks, and providing for the reporting of the collection of fees to the state controller and the creation of a fund to be known as the stallion registration board contingent fund.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, is hereby amended to read as follows:

Section 1. Every association, person, firm or corporation standing or offering any stallion or jack for public service in this state shall cause the name, description, and pedigree of such stallion or jack to be enrolled by a stallion registration board hereinafter provided for, and secure a license from said board, as provided in section three of this act. All enrollment and verification of pedigree shall be done in the office of the secretary of the California state board of agriculture.

Registration of stallions, etc., required

SEC. 2. Section two of said act is hereby amended to read as follows:

Sec 2. In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register pedigrees; to pass upon certificates of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion or jack license certificates and tags; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this act. Said board shall hold meetings at the office of the secretary of the California state board of agriculture the first Tuesday and subsequent days of February, May, August and November of each year, and such other meetings as may be necessary. Said stallion registration board shall be composed of three members, consisting of the president and secretary of the California state board of agriculture and the state veterinarian.

Stallion registration board.

SEC 3. Section three of said act is hereby amended to read as follows:

Sec. 3. In order to obtain the license certificate and tag herein provided for, the owner of each stallion or jack shall forward an affidavit on a form which shall be furnished by the stallion registration board and this affidavit shall be made by a

Affidavit of examination of stallions.

veterinarian, legally qualified to practice as such in this state, to the effect that he has personally examined such stallion or jack. If said stallion or jack is free from communicable diseases and is not affected with any of the diseases or unsoundnesses mentioned in section four of this act, a statement to this effect shall be made on said affidavit by the examining veterinarian. If said examining veterinarian after examination finds such stallion or jack affected with any communicable disease or with any of the diseases or unsoundnesses mentioned in section four of this act, a statement shall be inscribed on such affidavit by said veterinarian specifying the disease or unsoundness so found. The owner of said stallion or jack shall also furnish to the stallion registration board the studbook certificate of registry of the pedigree of said stallion or jack when said stallion or jack is registered, and all other necessary papers relative to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure-bred stallions and jacks), and receipt of veterinarian's affidavit as provided for in this act, a license certificate shall be issued to the owner; *provided, however*, that no license certificate shall be issued to the owner of any stallion or jack in case said animal is affected with any communicable disease; *and provided, further*, that when any stallion or jack is found affected with any of the diseases or unsoundnesses as mentioned in section four of this act, the license certificate so issued to the owner of said animal shall specify the disease or unsoundness with which said animal is affected.

Pedigree.

SEC. 4. Section four of said act is hereby amended to read as follows:

License to specify diseases.

Sec. 4. Any stallion or jack found to be affected with any of the following diseases or unsoundnesses is hereby deemed unsound and likely to transmit such disease or unsoundness to its progeny, and the license certificate issued to the owner of such a stallion or jack shall specify the disease or unsoundness as provided for in section three of this act:

Periodic ophthalmia (moon blindness); cataract, laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus dance, crampiness, shivering, stringhalt); bone spavin, ringbone, sidebone, navicular disease, osteoporosis; curb, when accompanied with faulty confirmation of hock.

SEC. 5. Section six of said act is hereby amended to read as follows:

License certificate to be posted.

Sec 6. The owner of any stallion or jack used for public service in this state shall post and keep affixed during entire breeding season, a copy of the license certificate of such stallion or jack, issued under the provisions of this act, in a conspicuous place, both within and upon the outside of the main door leading to every stable or building where the said stallion or jack is used for public service, and at all times during the breeding season shall have attached to the harness or bridle of said stallion or jack a tag which shall be issued

with the certificate. Each bill and poster and each newspaper advertisement shall show the enrollment certificate number, and state whether it reads "pure-bred," "grade," "cross-bred," "non-standard bred," or "mongrel," and it shall be illegal to print or advertise any misleading reference to the breeding of said stallion or jack, his dam or sire.

SEC. 6. Section seven of said act is hereby amended to read as follows:

Sec. 7. The license certificate issued for a stallion or jack whose sire and dam are of pure breeding, and the pedigree of which is registered in a studbook recognized by said stallion registration board, shall be in the following form:

Form of certificate pedigree stock

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of pure-bred stallion or jack, No. -----

The pedigree of the stallion or jack (name) -----

Owned by -----

Bred by -----

Described as follows:

Color ----- Breed -----

Foaled in the year -----, has been duly examined, and it is hereby certified that the said stallion or jack is registered as number ----- in ----- studbook, said studbook being recognized by the stallion registration board of California, and is of pure breeding. The above named stallion or jack has been examined by -----, veterinarian, and is reported as ----- and is licensed to stand for public service in the State of California.

This license expires on -----, 19-----.

Signed -----

Secretary California stallion registration board.

Dated this -----, 19-----, at Sacramento, Cal.

The license certificate issued for a grade stallion or jack whose sire or dam is not pure-bred shall be in the following form:

Not pure-bred.

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of grade stallion or jack, No. -----

The pedigree of the stallion or jack (name) -----

Owned by -----

Bred by -----

Described as follows:

Color ----- Foaled in the year -----, has been duly examined, and it is hereby certified that the said stallion or jack is not of pure breeding, and is, therefore, not eligible for registration in any studbook recognized by the stallion registration board of California. The above stallion has been examined by -----, veterinarian, and is reported as ----- and is licensed to stand for public service in the State of California.

This license expires on \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

Secretary California stallion registration board.

Dated this \_\_\_\_\_, 19\_\_\_\_, at Sacramento, Cal.

Pure-bred,  
but not of  
same breed

The license certificate issued for a stallion whose sire and dam are pure-bred, but not of the same breed, shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of cross-bred stallion No. \_\_\_\_\_

The pedigree of the stallion (name) \_\_\_\_\_

Owned by \_\_\_\_\_

Bred by \_\_\_\_\_

Described as follows:

Color \_\_\_\_\_. Foaled in the year \_\_\_\_\_, has been duly examined, and it is found that his sire is registered in the \_\_\_\_\_ studbook as number \_\_\_\_\_, volume \_\_\_\_\_, at page \_\_\_\_\_, and his dam in the \_\_\_\_\_ studbook as No. \_\_\_\_\_, volume \_\_\_\_\_, and page \_\_\_\_\_.

Such being the case, the said stallion is not eligible for registration in any studbook recognized by the stallion registration board of California. The above named stallion has been examined by \_\_\_\_\_, veterinarian, and is reported as \_\_\_\_\_ and is licensed to stand for public service in the State of California.

This license expires on \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

Secretary California stallion registration board.

Dated this \_\_\_\_\_, 19\_\_\_\_, at Sacramento, Cal.

Non-  
standard  
bred

The license certificate issued for a non-standard bred stallion shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of non-standard bred stallion No. \_\_\_\_\_

The pedigree of the stallion (name) \_\_\_\_\_

Owned by \_\_\_\_\_

Bred by \_\_\_\_\_

Described as follows:

Color \_\_\_\_\_. Foaled in the year \_\_\_\_\_, has been duly examined, and it is hereby certified and found that said stallion is not eligible to registration as standard bred, and for the purpose of this license is not pure-bred, although recorded in the non-standard department of the American trotting register.

The above named stallion has been examined by \_\_\_\_\_, veterinarian, and is reported as \_\_\_\_\_ and is licensed to stand for public service in the State of California.

This license expires on \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

Secretary California stallion registration board.

Dated this \_\_\_\_\_, 19\_\_\_\_, at Sacramento, Cal.

The license certificate issued for a "mongrel" stallion or jack shall be in the following form: "Mongrel"

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of "mongrel" or jack No. \_\_\_\_\_

The pedigree as far as known or traced, of the stallion or jack (name) \_\_\_\_\_

Owned by \_\_\_\_\_

Bred by \_\_\_\_\_

Described as follows:

Color \_\_\_\_\_ Foaled in the year \_\_\_\_\_, has been duly examined, and it is hereby certified that the said stallion or jack is of mongrel breeding, and is not eligible for registration in any studbook recognized by the stallion registration board of California.

The above named stallion has been examined by \_\_\_\_\_, veterinarian, and is reported as \_\_\_\_\_ and is licensed to stand for public service in the State of California.

This license expires on \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

Secretary California stallion registration board.

Dated this \_\_\_\_\_, 19\_\_\_\_, at Sacramento, Cal.

SEC. 7. Section eight of said act is hereby amended to read as follows:

Sec. 8. A fee of two dollars and seventy-five cents shall be paid to the secretary of the California stallion registration board for the examination and enrollment of each stallion or jack pedigree, and for issuance of a license certificate and tag, in accordance with the breeding of the stallion or jack as above provided, which shall be in force and effect for a period of one year from its date, and for the purpose of carrying out the provisions of this act. The fee shall be paid to the secretary of the California registration board at the time the application is made for enrollment. Upon a transfer of the ownership of any stallion or jack enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by the secretary of the California stallion registration board upon submittal of satisfactory proof of such transfer of ownership, and upon payment of a fee of one dollar and twenty-five cents. A fee of one dollar and twenty-five cents shall be paid annually for the renewal of a license certificate and tag. A fee of one dollar and twenty-five cents shall be paid for a duplicate license certificate and tag upon proof of the loss or destruction of the original certificate.

SEC. 8. Section nine of said act is hereby amended to read as follows:

Sec. 9. Whenever at any time the stallion registration board has reason to believe, or complaint is made, that any stallion or jack has been provided with a license certificate under false or erroneous representation, said stallion registration board is hereby authorized and empowered to cause an investigation authorized

investigation to be made, and if in the conduct of such investigation it is deemed necessary by said board to examine said stallion or jack, the owner of said animal shall have the right to select a veterinarian, legally qualified to practice as such in this state, to act with a veterinarian of said stallion registration board in examining said animal, and in case these two shall fail to agree on a verdict or decision they shall appoint a third qualified veterinarian, with the consent and approval of said board and owner, which third veterinarian shall act as a referee therein and the decision of said referee shall be final. If as a result of such investigation or examination, or both, it shall have been found that such stallion or jack is not legally entitled to the license certificate as provided for in this act, then said stallion registration board shall revoke the license in force, or provide the owner of said animal with a proper form of license certificate; *provided*, that the owner of any stallion or jack used for public service in this state shall have a lien on all colts sired by said stallion or jack for the service fee for a period of one year from the date of the foaling of said colt, as now provided by law.

SEC. 9. A new section is hereby added to said act to be known and numbered as section eleven and one-half, and to read as follows:

Monthly  
report  
of fees  
collected

Sec. 11½. The secretary of the stallion registration board, at least as often as once each month, and oftener if required so to do, shall report to the state controller the total amount of fees collected, and at the same time he shall pay into the state treasury the entire amount of such receipts. All such receipts shall be credited to the stallion registration board contingent fund, which fund is hereby created, and shall be held subject to the uses of the board as defined in this act.

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#### CHAPTER 753.

*An act calling and authorizing and directing the governor of the state to call a special election to be held on Tuesday, October twenty-sixth, 1915, and providing for the submission thereof to the qualified electors of the state of all amendments to the constitution of the State of California proposed by the legislature of said state at its forty-first session, and of all laws passed by the said legislature at its forty-first session which may be delayed from going into effect by referendum petition.*

[Approved June 32, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Special  
state  
election  
called,  
October 26,  
1915.

SECTION 1 A special election is hereby called and the governor of the state is hereby authorized and directed to call a special election to be held throughout the State of California on Tuesday, the twenty-sixth day of October, 1915, and at such

special election there shall be submitted to the qualified electors of said state for adoption or rejection, in accordance with the provisions of section 1 of article XVIII of the constitution of said state. all amendments to said constitution proposed by the legislature of said state at its forty-first regular session commencing on the fourth day of January, 1915, and all laws passed by the said legislature at said session which may have been delayed from going into effect by referendum petition filed in accordance with the provisions of section 1 of article IV of the constitution of said state.

SEC. 2. Said special election shall be proclaimed, held, conducted and the ballots shall be prepared, marked, voted, counted, canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the constitution applicable thereto and the law governing general elections in so far as the provisions thereof are applicable to the election provided for by this act.

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CHAPTER 754.

*An act to appropriate money for the construction and furnishing of a cottage or cottages for patients at the Agnews State Hospital.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of twenty-two thousand five hundred (22,500) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and furnishing of a cottage or cottages for patients at the Agnews State Hospital.

Appropriation Agnews Hospital cottage

## CHAPTER 755.

*An act to create a flood control district to be called "Los Angeles county flood control district"; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof.*

[Approved June 12, 1915. In effect August 13, 1915.]

*The people of the State of California do enact as follows:*

Los Angeles  
county  
flood control  
district  
created.

SECTION 1. A flood control district is hereby created, to be called "Los Angeles county flood control district," and the boundaries and territory of said district shall be as follows:

All that portion of the county of Los Angeles lying south of the north line of township 5 north, San Bernardino base, excepting therefrom the islands of Santa Catalina and San Clemente, and the islands off the coast included in Los Angeles county.

Purposes  
of act.

SEC. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters the harbors, waterways, public highways and property in said district.

Powers.

Said Los Angeles county flood control district is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

Sec. 3. The board of supervisors of Los Angeles county shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Los Angeles county flood control district, and said board of supervisors is hereby vested with the same powers, and shall perform the same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the board of supervisors of Los Angeles county now have or may hereafter have by law for said Los Angeles county, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act above mentioned, or to exercise any of the said powers of said district; *provided*, that such powers and duties are not in conflict with the express terms of this act; *and provided, further*, that the provisions of article 9 of the charter of said Los Angeles county shall not be deemed to apply to said district.

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the county of Los Angeles, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Los Angeles county, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Los Angeles county flood control district, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Los Angeles county without additional compensation in order to carry out the provisions of this act.

Said board of supervisors may in their discretion appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county of Los Angeles.

Employment  
of engineers.

SEC. 4. Said board of supervisors shall have jurisdiction and power, and it shall be their duty to employ by resolution a competent engineer or engineers to investigate carefully the best plan to control the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, any or all of such waters, and to protect the harbors, waterways, public highways and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution shall direct such engineer or engineers to make and file a report with said board of supervisors which shall show:

Report of  
engineers.

1. A general description of the work to be done.
2. General plans, profiles, cross-sections and general specifications of the work to be done.
3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.
4. A map which shall show the location of the proposed work and improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.
5. An estimate of the cost of such work, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds necessary to be issued to pay for the same.

Such engineer or engineers employed by said resolution shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors and others as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

Adoption by  
resolution

SEC. 5. After the report of the engineer or engineers provided for in the next preceding section has been filed with the said board of supervisors, said board shall consider the

same, and may by resolution either adopt the same as filed, or may refer such report to such engineer or engineers, or to any other engineer or engineers, to be modified or changed, and when a report satisfactory to said board of supervisors has been filed with said board by any such engineer or engineers employed as aforesaid, the said board shall by resolution adopt said report, and state the amount of the entire estimated cost for which bonds are to be voted, and a finding in said resolution adopted by said board of supervisors as to the sufficiency of said report, and that the same complies with all the requirements of this act in relation thereto, shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general.

SEC. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

Bonds

SEC. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

Denom-  
inations.

The bonds shall be issued in such denominations as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles county, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles county by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Interest.

Sale  
of bonds.

SEC. 8. The said board of supervisors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county of Los Angeles to the credit of said district, and the proper record of such transactions shall be placed upon the books of said county treasury, and said district fund shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the

provisions in this act contained. Payments from said district fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county of Los Angeles.

SEC. 9. Any bonds issued under the provisions of this act shall be a lien upon the property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property within said district, and all the real property in the district shall be and remain liable to be taxed for such payments as hereinafter provided. Bonds  
lien on  
property

SEC. 10. The board of supervisors shall levy a tax each year upon the taxable real property in such district sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of said Los Angeles county to the credit of said district fund, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasury of said Los Angeles county in the manner provided by law for the payment of principal and interest on bonds of said county. Tax levy

SEC. 11. The provisions of the Political Code of this state, prescribing the manner of levying, assessing, equalizing and collecting of taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. Political  
Code  
tax levy  
provisions  
adopted

SEC. 12. The bonds of said Los Angeles flood control district issued pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used. Bonds legal  
investments  
for trust  
funds, etc.

This section of this act is intended to be and shall be considered the latest enactment of the matters herein contained, and any and all acts or parts of any acts in conflict with the provisions hereof are hereby repealed.

Value  
of bonds

SEC. 13 All bonds issued by said district under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality in this state, and shall be free and exempt from all taxation within the State of California.

Tax levy  
for  
maintenance.

SEC. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon the taxable real property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; *provided, however*, that such tax levied under this section for any one fiscal year shall not exceed ten cents on each one hundred dollars of the assessed valuation of the real property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon.

Letting  
contracts

SEC. 15 All contracts for furnishing the labor, materials or supplies required for any improvement or work, or any portion thereof, to carry out this act, shall be let to the lowest responsible bidder. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for furnishing the labor, materials and supplies for the proposed improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The said board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting said district itself, and when ordered by the said board of supervisors thereof, it shall have power to make the proposed improvement or carry out any work or portion thereof without a contract therefor, and to purchase the materials and supplies, and employ the labor necessary for such purpose; *and provided, further*, that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report

shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by a vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

Improvements along highways

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; *provided*, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within thirty days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

Approval of plans and specifications

SEC. 16. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work provided for in this act, and to perform all other acts necessary or proper to accomplish the purposes of this act.

Rules and regulations

Said board of supervisors shall have power to do all work and to construct and acquire all improvements necessary or useful for carrying out any of the purposes of this act; and said board of supervisors shall have power to acquire either within or without the boundaries of said district, by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, corporations, reclamation districts, swamp land districts, levee districts, protection districts, drainage districts, irrigation districts, or other public corporations or agencies or districts, all lands, rights of way, easements, property or materials necessary or useful for carrying out any of the purposes of this act; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers conferred by this act, or arising out of the use,

Power to acquire lands, rights of way, etc

Power to  
acquire  
lands, rights  
of way, etc

taking or damage of any property, rights of way or easements, for any of such purposes; to compensate any reclamation district, protection district, drainage district, irrigation district or other district, public corporation or agency or district, for any right of way, easement or property taken over or acquired by said Los Angeles county flood control district as a part of its work of flood control or conservation or protection provided for in this act, and any such reclamation district, protection district, drainage district, irrigation district or other district or public corporation or agency is hereby given power and authority to distribute such compensation in any manner that may be now or hereafter allowed by law; to maintain actions to restrain the doing of any act or thing that may be injurious to carrying out any of the purposes of this act by said district, or that may interfere with the successful execution of said work, or for damages for injury thereto, to do any and all things necessary or incident to the powers hereby granted, or to carry out any of the objects and purposes of this act; to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose.

Condemna-  
tion pro-  
ceedings

In case of condemnation proceedings, the said board of supervisors shall proceed in the name of said district, under the provisions of title VII, part III, of the Code of Civil Procedure of the State of California, which such provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the state in the manner prescribed by law, and said board of supervisors of said district is hereby vested with full power to do all other acts or things necessary or useful for the promotion of the work of the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes, and to protect from damage from such storm or flood waters the harbors, waterways, public highways and property in said district; *provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons, to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public*

Diverting  
waters of  
streams

uses; and *provided, further*, that nothing in this act contained shall be construed as in any way affecting the plenary power of any incorporated city, city and county, or town, or municipal or county water district, to provide for a water supply of such public corporation, or as affecting the absolute control of any properties of such public corporations necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Los Angeles county flood control district, or in any officer thereof, or in any person referred to in this act; and *provided, further*, that nothing in this act contained shall be deemed to authorize said board of supervisors to raise money for said district by any method or system other than that by the issuing of bonds, or the levying of a tax upon the assessed value of all the real property in said district in the manner in this act provided.

SEC. 17. Said board of supervisors of said district shall have full power and authority to co-operate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, for the purpose of carrying out the work of controlling the flood or storm waters of said district, or for the protection of property, or of any of the harbors, channels, waterways, roads or highways in said district, and to adopt a definite plan or system of work for any such purpose, and when so adopted, no substantial change shall thereafter be made in the same without the express consent of the officer, board, commission or department or agency of the state or federal government in conjunction with which the same was originally adopted

Power to co-operate with state and with U. S.

SEC. 18. Whenever bonds have been issued by said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance of additional bonds for carrying out the work of flood control, or for any of the purposes of this act by said district, said board of supervisors may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Issuance of additional bonds.

SEC. 19. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall have power and authority at the expiration of six months after such election,

Should proposition fail to carry

to call or order another election for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Repeal of  
act not to  
affect bonds

SEC. 20. No repeal or amendment of this act which shall in any way affect or release any of the property in said district from the obligations of any outstanding bonds or indebtedness of said district, shall go into effect or be valid or become operative until all such bonds and outstanding indebtedness have been fully paid and discharged.

Construction  
of act

SEC. 21. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality

SEC. 22. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Title

SEC. 23. This act may be designated and referred to as the "Los Angeles county flood control act," and any reference thereto by such designation shall be deemed sufficient for all purposes

#### CHAPTER 756.

*An act to amend sections one and four of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended June 11, 1913*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section one of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, is hereby amended to read as follows:

Map of  
subdivision  
must be  
recorded

Section 1. Whenever any tract or subdivision of land shall be laid out into lots for the purpose of selling the same by reference to a map or plat, the owner or owners thereof shall cause to be made out and filed with the county recorder of the county in which the same is situated, an accurate map or plat thereof on cloth, drawn and attested to by a civil engineer or licensed surveyor from his own survey of the ground. Said

engineer or surveyor shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of these monuments shall be plainly shown on the map. The map shall also particularly set forth and describe:

*First*—All parcels of ground within such tract or subdivision used for public purposes or offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons or other public uses and their dimensions and boundaries and the courses of their boundary lines. Matter set forth

*Second*—All lots intended for sale, or reserved for private purposes and not offered for dedication to the public use, either by number or letter, and their dimensions and boundaries and the courses of their boundary lines. All parcels of land offered for dedication as public highways and not accepted by the proper authorities upon presentation to them, shall also be designated by number or letter.

*Third*—The exact location of such tract or subdivision of land into lots with reference to adjacent subdivisions of land into lots, the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument.

SEC. 2. Section four of said act is hereby amended to read as follows:

Sec. 4. The map or plat so made, indorsed and acknowledged shall be submitted to the governing body of the city, city and county, or county having control of public highways in the territory shown on such map or plat, for the approval of such governing body before such map or plat is filed for record in the recorder's office; *provided*, that whenever such tract or subdivision of land lies within an incorporated city or town, the map or plat thereof shall first be submitted by the governing body thereof to the city planning commission, if such there be, of such city or town, or, if there be no city planning commission, to the city engineer, if such there be. Said city planning commission or city engineer shall report thereon to the governing body within ten days after receipt of said map or plat. If such tract or subdivision of land is in unincorporated territory but within three miles from the exterior boundaries of any city or town, the map or plat thereof shall first be submitted by the county board of supervisors to the city planning commission, if such there be, or to such city engineer as above provided of the city or town lying nearest to such tract or subdivision of land, whereupon such commission shall make an examination of such map or plat and submit a report thereon with its suggestions and recommendations to the governing body of the municipality. Said governing body shall thereupon submit a report thereon, with its suggestions and recommendations to the said county board of supervisors. Such governing body, after considering the report of the city planning commission, or the city engineer, as the case may be, and said county board

Approval of map by city trustees city planning commission, etc.

of supervisors, after considering the report of said governing body, shall approve or disapprove such map or plat within thirty days after the same is submitted to it as above provided. In the event of the failure, refusal or neglect of said city planning commission or city engineer to so report within said ten days to the said governing body it shall then be the duty of said commission or city engineer to forthwith transmit said map or plat to said governing body for its action thereon. In the event of the failure, refusal or neglect of said governing body to so report to said county board of supervisors within twenty days after said county board has so filed said map or plat with said city planning commission or city engineer, it shall then be the duty of said governing body to forthwith transmit said map or plat to said county board of supervisors, for its action thereon. If approved, the said governing body or board of supervisors shall indorse, or cause to be indorsed, on said map or plat its approval of the same. Without such approval the said map or plat shall not be filed for record or be recorded. Such governing body may require the public highways, if any, offered for dedication by said map or plat and the parcel or parcels of land, if any, therein reserved or indicated for highway or right of way purposes, and not offered for dedication to public use, to be as wide as and to conform, as near as practicable, to the adjoining, surrounding or neighboring streets or highways of said city, city and county, or county. If such map or plat offer for dedication any highways said governing body or board of supervisors shall indorse thereon which of the highways so offered for dedication are accepted on behalf of the public, and thereupon such highways which have been so accepted, and no others, shall be and become dedicated to the public use.

Highways  
to conform  
to those  
of city.

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## CHAPTER 757.

*An act to provide for the appointment of a state capital planning commission to formulate plans for the capital city of the state and to confer with the city planning commission of the state capital city.*

[Approved June 12 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

State capital  
planning  
commission  
created

SECTION 1. There shall be a state capital planning commission composed of the governor, and state librarian, ex officio members and three members to be appointed by the governor, at least one of whom shall be a recognized expert in the planning of cities and towns. Appointive members of this commission shall serve without pay and shall hold office in the first instance for terms respectively for two years, four years, and six years and until their successors have been appointed and

qualified. Their successors shall serve for terms of six years each and appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Three shall be a quorum. They may make and alter rules and regulations for their own procedure consistent with the laws of the state. They shall consider all matters in city planning affecting the future needs of the state and the relation of the state plans to those of the capital city.

SEC. 2. They shall confer and advise with the city planning body of the capital city concerning all matters affecting the metropolitan district in and about the said capital city and for a distance within fifteen miles outside the corporate limits of the said city. They shall make recommendations to the governing bodies of all political units within this area and to the governor with regards to all matters of interest to the state in and concerning its capital city with reference to its system of roads, boulevards and thoroughfares, street railway systems, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, or of other natural or artificial physical features of the district, and of location proposed by it for any new or enlarged thoroughfares, street railway system, union depot, parks, parkways, playgrounds, water supply systems, sewers, sewage disposal plant, garbage disposal plant and civic centers, or any other public improvement that will affect the character of the district as a whole, to political units within the district. It may make recommendations to the state, city or district governmental authorities, from time to time concerning any such matters or things aforesaid for action by the respective legislative, administrative or governing bodies thereof. In so doing they shall have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets and railways, waterways, and all other means of public travel and business communication, as well as the distribution and relative location of all public buildings, public grounds and open spaces devoted to the public use, and the planning and laying out for urban uses of private grounds brought into the market from time to time.

SEC. 3. The state capital planning commission shall make an annual report to the governor which the secretary of state shall cause to be printed as a public document and copies of this report shall be filed with each and every governing body in the district under supervision.

## CHAPTER 758.

*An act to appropriate the sum of eleven thousand four hundred thirty-three and eighty-two one-hundredths dollars out of the San Francisco harbor improvement fund in the state treasury to pay the assessment levied for said amount on property belonging to the State of California by the city and county of San Francisco for a local improvement.*

[Approved June 12, 1915 In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Appropriation  
S F harbor,  
street im-  
provement

SECTION 1. There is hereby appropriated out of the San Francisco harbor improvement fund, in the state treasury the sum of eleven thousand four hundred thirty-three and eighty-two one-hundredths dollars to pay the assessment levied by the city and county of San Francisco upon property belonging to the state, situate, lying and being in the city and county of San Francisco and under the jurisdiction and control of the state board of harbor commissioners for a local improvement, to wit: the change of grade of Beale street between Bryant and Folsom streets in said city and county of San Francisco.

SEC 2. The controller of state is hereby authorized and directed to draw his warrant in favor of the city and county of San Francisco for the said sum of eleven thousand four hundred thirty-three and eighty-two one-hundredths dollars.

## CHAPTER 759.

*An act to amend an act entitled "An act to provide for the planting, protection and care, and the removal and change, of shade trees and ornamental shrubs along and in public streets, avenues, lanes, alleys, courts and places within municipalities, and for the assessment of the costs and expenses thereof upon the lots, parts of lots and lands fronting on the public streets, avenues, lanes, alleys, courts or places where such work is to be done," approved June 11, 1913, by providing for the planting, protection, and care, and the removal and change of trees, shrubs, plants and grass along and in public streets, avenues, lanes, alleys, courts, places and pathways within municipalities, and for the assessment of the cost and expenses thereof upon the lots, parts of lots, and lands within the district assessed, in proportion to the benefits to be received where such work is to be done, by amending the title of said act and by amending sections 1, 2, 3, 4, 6, 7 and 16 thereof.*

[Approved June 12, 1915 In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. The title of that certain act entitled "An act to provide for the planting, protection and care, and the

removal and change, of shade trees and ornamental shrubs along and in public streets, avenues, lanes, alleys, courts and places within municipalities, and for the assessment of the costs and expenses thereof upon the lots, parts of lots and lands fronting on the public streets, avenues, lanes, alleys, courts or places where such work is to be done." approved June 11, 1913, is hereby amended to read as follows: "An act to provide for the planting, protection, and care, and the removal and change of trees, shrubs, plants and grass along and in public streets, avenues, lanes, alleys, courts, places and pathways, within municipalities, and for the assessment of the cost and expenses thereof upon the lots, parts of lots, and lands within the district assessed, in proportion to the benefits to be received where such work is to be done."

Amended title.

SEC 2. Section 1 of said act entitled "An act to provide for the planting, protection and care, and the removal and change, of shade trees and ornamental shrubs along and in public streets, avenues, lanes, alleys, courts and places within municipalities, and for the assessment of the costs and expenses thereof upon the lots, parts of lots and lands fronting on the public streets, avenues, lanes, alleys, courts or places where such work is to be done" is hereby amended to read as follows:

Section 1. All streets, avenues, lanes, alleys, courts, places or pathways within the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, avenues, lanes, alleys, courts, places or pathways for the purposes of this act, and the city council of each municipality of this state is hereby empowered to cause trees, shrubs, plants or grass to be planted, protected and cared for, and removed and changed, or to care for and maintain trees, shrubs, plants or grass, along and in said streets, avenues, lanes, alleys, courts, places and pathways and is hereby invested with jurisdiction to order to be done thereon and therein any of the work mentioned in section two of this act in the manner and under the proceedings hereinafter described.

Streets, etc. defined

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Sec 2. Whenever the public interest or convenience may require, the city council of any municipality of this state is hereby authorized and empowered to order trees, shrubs, plants or grass to be planted, protected, and cared for, and to be removed or changed, along and in the whole or any part of any such public street, avenue, lane, alley, court, place or pathway in such municipality; also to order suitable guards, coverings, or grating for the protection of said trees, shrubs, plants or grass, and to order any other work to be done which shall be necessary to plant, protect or care for, and to remove or change, trees, shrubs, plants or grass, along and in the whole or any part of any such public street, avenue, lane, alley, court, place or pathway in such municipality.

Cities may plant etc. trees

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Resolution  
of intention

Sec. 3. Before ordering any improvement to be made which is authorized by section two of this act the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may include the whole or any part of one or more such streets, avenues, lanes, alleys, courts, places or pathways in any such municipality. Said proposed improvement may include any or all of the different kinds of work mentioned in section two of this act; *provided, however*, that the care of said trees, shrubs, plants or grass shall be for a period stated in the resolution of intention, which shall not exceed five years; *and provided, further*, that it shall not be necessary to specify or describe in said resolution of intention the kind of trees, shrubs, plants or grass to be planted or removed or changed, their size or age or the method or manner of planting or removing or changing them. The city council shall also, in the same resolution, refer the proposed improvement to the city engineer, or other officer, board, or commission, designated by said council as provided in section 4 hereof, and direct such person, board or commission to make and file with the clerk of the city council a report in writing, presenting the following:

Report  
of city  
engineer

1. Plans and specifications for the work to be performed, and the general method or manner of making the improvement.

2. An estimate of the cost of said improvement, and of the incidental expenses in connection therewith.

3. A diagram of the property affected or benefited by the proposed work of improvement, which diagram shall show each separate lot, piece or parcel of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district, each of which subdivisions shall be given a separate number in red ink upon said diagram.

4. The proposed assessment of the total amount of the costs and expenses of the proposed improvement (including all incidental expenses) upon the lots, parts of lots, and lands within said assessment district as shown by said diagram sufficient to cover the total expenses of the improvement. Each of said lots, parts of lots, and lands shall be separately assessed in proportion to the estimated benefits to be received by it. Said assessment shall refer to said lots, parts of lots and lands upon said diagram by the respective red ink number thereof, and shall show the names of the owners, if known, otherwise designating them as owners. Any mistake in the name of the owner of any lots, parts of lots, or lands shall not affect the validity of the assessment thereon.

SEC. 5. Section 4 of said act is hereby amended to read as follows:

Tree  
planting  
commission

Sec. 4. In any municipality having a board, commission or officer in charge of tree planting, created by its charter or by law or ordinance, the proposed improvement shall be referred

to said board, commission or officer, and the report provided for in section three of this act shall be made and filed by said board, commission or officer.

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Sec. 6. After the passage of the resolution mentioned in section five of this act, the clerk of said city council shall cause to be conspicuously posted along all streets, avenues, lanes, alleys, courts, places or pathways, or parts thereof, included in said resolution of intention, at not more than three hundred feet in distance apart, notices (not less than three in all), of the passage of said resolution of intention and of the filing of said report. Said notices shall be headed "Notice of local improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said resolution of intention and of the filing of said report, and the date set for the hearing of said protests, and briefly describe the improvement proposed and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published for a period of two days in a daily newspaper published and circulated in said municipality and designated by said city council for that purpose, or if there is no daily newspaper in said municipality, then by two successive insertions in a weekly paper, so published, circulated and designated. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests. In case there is no daily or weekly newspaper published and circulated in said city, then said notice shall be posted in three of the most public places in such city at least ten days before the date set for the hearing of said protest.

Posting of resolution

SEC. 7. Section 7 of the said act is hereby amended to read as follows:

Sec. 7. Any person interested, objecting to said improvement, or to the proposed assessment provided for in section three hereof, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section five hereof. The clerk shall indorse on every such protest the date of its reception by him, and at the time appointed for said hearing shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the property fronting on the streets, avenues, lanes, courts, places and pathways, or parts thereof, within said assessment district, all further proceedings under said resolution of intention shall be barred and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the property fronting on the streets, avenues, lanes, courts, places and pathways, or parts thereof, within said assessment district,

Hearing of protests.

shall in the meantime petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on said proposed improvement, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned, but may be renewed at any time, and if such protests are denied, the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm or correct said proposed assessment; *provided, however*, that they shall not alter the same so as to provide for the doing of any kind of work not included in said report, or the doing of work upon any street, avenue, lane, alley, court, place or pathway, or parts thereof, not included in said report, and shall not increase the amount to be raised above the amount specified in said report. When, upon the hearing, said proposed assessment is confirmed or corrected, or in case no protests are filed, the report provided for in section three hereof shall be adopted as a whole, with any modifications or corrections that have been made therein and the city council shall by resolution, order said proposed improvement to be made, and declare its action upon said report and assessment, which resolution shall be final and conclusive on all persons, and the assessment shall be thereby levied upon the lots, parts of lots and lands fronting upon the streets, avenues, lanes, alleys, courts and places, or parts thereof, along and in which said improvement is to be made.

SEC. 8. Section 16 of said act is hereby amended to read as follows:

Performance  
of work

SEC. 16. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the municipality shall itself execute and perform the work embraced in the plans and specifications contained in the report provided for in sections three and four of this act, in accordance with said plans and specifications without awarding a contract therefor and employ the labor, and provide the nursery stock, material and supplies necessary therefor, or at its option do the work or any portion thereof by contract let in the manner employed by the charter of said municipality, or the law under which the said municipality is organized. The cost and expenses of such work shall be paid out of said special fund; and in case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made upon the same property, in the same manner and form, and to the same effect,

and subject to the same procedure as the original assessment; and in the last named case, in order to avoid delay, the city council may advance such deficiency out of any money in the general fund of the treasury, and reimburse the treasury from the collections under such supplementary assessment. The work must be done under the supervision, direction and control of the board, commission or officer by whom the report provided for in section three of this act was made, and no work shall be paid for except upon the order and approval of said board, commission or officer

CHAPTER 760.

*An act to amend section forty-two hundred sixty-eight of the Political Code, relating to counties of the thirty-ninth class.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four thousand two hundred sixty-eight of the Political Code is hereby amended to read as follows:

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of  
39th class.  
salaries of  
officers

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

County  
clerk

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

Sheriff

3. The recorder, one thousand eight hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected.

Recorder

4. The auditor, one thousand five hundred dollars per annum

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

Tax  
collector.

Assessor

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Surveyor

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided, further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

Supervisors

13. Supervisors, each the sum of one thousand dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Classification of townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred ten; townships have a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices of the peace.

15. In townships of the first class, justices of the peace shall receive eighty dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive seventy-five dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of seventy-five dollars per month, and constables of townships of the second class shall receive a monthly salary of sixty dollars per month; *provided, further*, that when any constable is required to serve a warrant of arrest or any other paper of a criminal case he shall be allowed mileage both going and coming, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors' and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a trial juror in criminal or civil cases in the superior court, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, twenty-five cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents, and the county clerk shall certify to the auditor the number of days attendance and number of miles traveled by each witness, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

## CHAPTER 761.

*An act to amend sections three thousand four hundred fifty-seven and three thousand four hundred and sixty-six of the Political Code of the State of California, relating to reclamation and swamp land districts.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section thirty-four hundred and fifty-seven of the Political Code of the State of California is hereby amended to read as follows:

Registration  
of warrants  
not paid

3457. The warrants drawn by the trustees must be presented to the treasurer of the county, and if they are not paid on presentation, such endorsement must be made thereon, and they must be registered and bear interest from the date of such warrant at the rate of seven per cent per annum, and such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be the term of four years from the date of their issuance; *provided*, that all warrants in excess of the sum of fifty dollars for material, supplies or labor furnished during any one month, and also all warrants drawn in favor of the trustees shall be approved by the board of supervisors before the same shall be paid by the county treasurer.

Payment  
of assess-  
ments with  
warrants.

Any owner of land in the district may at any time pay any assessments thereon (excepting an assessment upon which bonds have been issued), or any part thereof, with warrants of the district. No warrant shall be paid or received on an assessment, except within four years after the date of its issuance. The board of trustees and the treasurer must cancel all warrants not paid within four years after date of issuance; *provided*, that any warrant not paid or received on assessment within four years after the issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years, upon the presentation of the same to the board of trustees of the district, such extension being endorsed thereon by said board and a record thereof filed with the treasurer. In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the issuance of such warrant, and final judgment be obtained in favor of the holder or owner thereof, such warrant shall be paid or received on assessment the same as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance.

Proceeding  
for writ of  
mandate

In any proceeding for a writ of mandate to compel the trustees to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sum as may be found to be due.

SEC. 2. Section thirty-four hundred and sixty-six of the Political Code of the State of California is hereby amended to read as follows:

3466. At the end of thirty days the treasurer must return the lists to the board of trustees of the district, and all unpaid assessments shall be collected by and paid to the county treasurer of the county in separate installments, of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; *provided, however*, that any land owner may, at the time any installment is called, pay the whole of such assessment, except in cases where bonds have been issued on the assessment. Upon making such order the secretary shall cause to be published a notice in the following form:

After 30 days lists returned to trustees

(Name of reclamation district, location of principal place of business.) Notice is hereby given that at a meeting of the directors, held on the (date), an installment of (amount) was ordered paid within thirty days from date thereof to the treasurer of the county of (name of county). Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon and costs and penalties.

Published notice.

The notice must be personally served upon each owner of land in said district, or in lieu of personal service, must be sent through the mail addressed to such owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the district is situated, and be published once a week for four weeks successively in some newspaper of general circulation and devoted to the publication of general news, within the district, and if no such newspaper be published within the district then publication must be made in some newspaper published in the county seat of the county where the greater portion of said district is situated if there be one in such county seat, and if there be none published in such county seat then in a newspaper published in an adjoining county.

Service of notice

All such separate installments shall bear interest at the rate of seven per cent per annum from the date of said order until paid; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto, and collected for the use of the district; *provided, further*, that the trustees must on the first day of January of each year, except when bonds shall have been issued on the assessment, order the collection of a sufficient amount of said assessments to pay all warrants that have been issued and outstanding for a period of one year or more together with the interest on such warrants.

Interest

Immediately after the said installment has become delinquent, the trustees of the district must publish in one notice, all of said delinquents at least once a week for three weeks in

Publication of delinquency notice.

some newspaper of general circulation published in the county where said district, or the greater part thereof is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty and costs that have been added as above provided, and a notice that the property assessed will be sold on the date therein stated, which shall not be less than three months nor more than six months, in front of the courthouse of said county, to pay said installment with accrued interest and costs and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the trustees must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the trustees must pay the amount of said installment with the accrued interest thereon and the costs and penalty herein provided for, to the county treasurer, who shall place the same in the proper funds of said district, and the trustees must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The trustees may postpone said sale from time to time for not less than ten nor more than thirty days at any one time by a written notice posted at the place of sale.

Sale of  
property

Property  
may be  
struck off  
to district

If no bid is made for said property equal to the amount of said installment, accrued interests, costs, and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest, costs, and penalty. A certificate of such sale shall be executed by the trustees to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount of said installment with the accrued interest, costs and penalty, and interest on the said sums at the rate of two per cent per month from the date of said sale.

Deed

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said trustees, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the unpaid balance of said assessment, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where said property shall have been deeded to the district and shall not have been sold by the trustees, the same shall not be offered for sale for subsequent installments of said assessment so long as the district shall remain the owner of

said property, but the trustees may sell said property at any time at public auction after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest, costs and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes and the unpaid balance of said assessment. Assessments heretofore made in any reclamation district shall be validated and collected in the manner provided by law at the time such assessments were made.

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CHAPTER 762.

*An act to make an appropriation for the purpose of purchasing additional rights of way, land and trees on and along the course of the Lake Tahoe wagon road.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of seven thousand dollars for the purpose of purchasing additional rights of way, lands and trees on and along the course of the Lake Tahoe wagon road, a state highway, and within a maximum distance of three hundred feet on each side of the center thereof, as shall be selected and designated by the department of engineering.

Appropriation  
Lake Tahoe  
wagon road

SEC 2. The department of engineering shall have full control and supervision of purchases of said additional rights of way, land and trees.

SEC. 3 The state controller is hereby instructed and directed to draw his warrants at such times and in such amounts as the department of engineering may present claims for; said warrants shall be drawn in favor of the said department of engineering, and the state treasurer is hereby directed and instructed to pay said warrants and the department of engineering shall distribute the same.

## CHAPTER 763.

*An act to create a commission for the purpose of making a survey of local historical material in the State of California; defining the power and duties of said commission; and making an appropriation therefor.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Historical  
survey  
commission.

SECTION 1. There is hereby established a California historical survey commission composed of three members to be chosen as hereinafter provided.

SEC. 2. The members of this commission shall be appointed by the governor of the State of California; *provided*, only that one of the members of said commission shall be nominated by board of regents of the University of California, and that one of the members of said commission shall be nominated by the board of grand officers of the order of Native Sons of the Golden West; all nominations however shall be subject to approval by the governor.

Term

SEC. 3. The commissioners first named shall be appointed for terms ending July 1, 1916, and their successors shall be appointed for a term of two years; the said commissioners to serve without salary.

Purpose of  
commission.

SEC. 4. The purpose of this commission shall be to make a survey of the material on local history within the State of California by investigating documents in local depositories and in the possession of private individuals and other sources of original information on the early history of the State of California and to compile and keep a record of such sources of information.

Powers.

SEC. 5. This commission shall have power to organize the work of the commission: to appoint such assistants as it shall deem necessary and to fix their compensation; and to spend such other moneys as it may deem advisable, but no expenditure of money by the commission shall exceed the amount appropriated by this act; to make and enforce rules governing this commission and to do such other things as shall be necessary to carry out the provisions and the purpose of this act.

Meetings.

SEC. 6. This commission shall meet at such times and places within the State of California, as may be expedient and necessary for the proper performance of its duties, such times and places to be designated and determined by this commission.

Appropriation.

SEC. 7. The sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended in accordance with law for the purposes of this act.

CHAPTER 764.

*An act to provide for locating, surveying and maintaining a highway from Pescadero in the county of San Mateo to the California Redwood Park in Santa Cruz county, and making an appropriation therefor.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. That a highway shall be constructed from Pescadero in the county of San Mateo to the California Redwood Park, in the county of Santa Cruz. Highway, Pescadero to Redwood Park

SEC. 2. The responsibility of the State of California in the location, survey, construction and maintenance of said highway shall cease with the expenditure of the appropriation herein contained. Responsibility of state

SEC. 3. The work of locating, surveying and constructing said highway, to the extent of the expenditure of the appropriation herein contained is hereby placed under the management and control of the state department of engineering, and it shall be the duty of said department, to the extent of such expenditure to locate, survey and construct said highway along the route above described, with such variations as will, in the opinion of said department, be deemed advisable. Work under control of engineering department.

SEC. 4. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to be expended under the supervision of said state department of engineering for the location, survey and construction of said highway. Said appropriation shall be available as set forth in section 5 hereof, only in the event that the board of supervisors of the county of San Mateo file with the state controller resolutions pledging said county to the completion and maintenance of said highway. Appropriation.

SEC. 5. The state controller is hereby directed to draw his warrants in such sums and at such times as the state engineer may present claims therefor, and the state treasurer is directed to pay the same.

## CHAPTER 765.

*An act providing for an appropriation for the location, survey and construction of a highway to lead from Surprise valley, in Modoc county, to the Nevada state line.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Appropriation highway across Middle Lake

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for the location, survey and construction of a highway across Middle lake in Surprise valley, in Modoc county, California.

SEC. 2. The work of locating, surveying and constructing said highway shall be under the management and control of the state department of engineering, and it shall be the duty of said state department of engineering to start the survey, location and construction at a point east of Cedarville, in Modoc county, California, at the shore of Middle lake; thence across the bed of said lake a distance of about two miles to connect with a road leading from Forty-nine canyon into the State of Nevada.

SEC. 3. The state controller is hereby instructed and directed to draw his warrants in such amounts and at such times as the department of engineering may present claims therefor, and the state treasurer is directed to pay the same.

## CHAPTER 766.

*An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the state board of health; defining its powers and duties; providing for the granting of state aid to cities, counties, cities and counties and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor; and repealing certain acts of the legislature of the State of California.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

Bureau of tuberculosis

SECTION 1. The state board of health shall maintain a bureau of tuberculosis for the complete and proper registration of all tuberculous persons within the state; for supervision over all hospitals, dispensaries, sanatoria, farm colonies and other institutions for tuberculosis, both public and private; for advising officers of the state penal and charitable institutions regarding the proper care of tuberculous inmates, and for such educational and publicity work as may be necessary; for administration of the fund for state aid to cities, counties,

cities and counties and groups of counties for the care of patients who are county charges in city, county, or city and county tuberculosis wards or hospitals or in tuberculosis wards and hospitals maintained by any group of counties, and for the performance of such other duties as may be assigned by the said board.

SEC. 2. The state board of health shall appoint a director of the bureau, who shall be duly qualified and trained in public health work, whose salary shall be fixed by the board in an amount not to exceed three thousand dollars per annum, and such other employees as may be deemed necessary, and shall fix their compensation. The director and all employees of the bureau shall come within the jurisdiction of the civil service law. In addition to the administration of the bureau, under the supervision of the state board of health, it shall be the duty of the director, and he is hereby invested with full power, to inspect and investigate, and have access to all records and departments of all institutions, both public and private, where tuberculosis patients are treated. He shall prepare annually for each institution a report of its rating on sanitary construction, enforcement of sanitary measures, adequate provision for medical and nursing attendance, provision for proper food, and such other matters of administration as may be designated. Administration of the fund for the care of patients who are county charges in city, county, and city and county tuberculosis wards and hospitals and the tuberculosis wards and hospitals maintained by any group of counties shall be based upon his reports and under the rules and regulations of the board. The director and other employees of the bureau shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties.

SEC. 3 Every city, county, city and county, or group of counties which establishes and maintains a tuberculosis ward or hospital shall receive from the state the sum of three dollars per week for each person in the active stages of tuberculosis, cared for therein at public expense who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of such city, county, city and county, or group of counties for one year; *provided*, that the city, county, city and county, or group of counties shall not become entitled to receive such state aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the state bureau of tuberculosis. The medical superintendent of each hospital receiving state aid under this act shall render semiannually to the state bureau of tuberculosis a report under oath showing, for the period covered by the report, (1) the number of patients in the active stages of tuberculosis cared for therein at public expense, unable to pay for their own support and having no relatives legally liable and financially able to pay therefor, and (2) the number of weeks of treatment of each of such patients.

Director

Duties.

Compensation of cities, etc., maintaining tuberculosis wards.

Appropriation.

SEC. 4. The sum of seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of health in carrying out the provisions of this act; *provided, however,* that not more than the sum of twenty thousand dollars shall be available for the purposes of this act other than the state aid herein provided. All claims against this appropriation shall be audited by the state board of control. The state controller is hereby directed to draw his warrants for such sums aggregating the amount of this appropriation and the state treasurer is directed to pay the same.

Repealed.

SEC. 5. An act entitled "An act to provide for the establishment and maintenance of a department of tuberculosis under the direction of the state board of health; defining its powers and duties; and making an appropriation therefor," approved June 13, 1913, is hereby repealed.

SEC. 6 All acts or parts of acts inconsistent with this act are hereby repealed.

#### CHAPTER 767.

*An act to amend section four hundred twenty-one of the Civil Code, relating to investments by insurance companies.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section four hundred twenty-one of the Civil Code is hereby amended to read as follows:

Legal investments of insurance companies.

421. Corporations organized under the laws of this state for the transaction of any kind of insurance business authorized by such laws may invest their capital, surplus and accumulations in the purchase of, or loans upon any of the securities specified in subdivisions one to five inclusive of this section.

U S bonds

1 Bonds or interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

State bonds

2. Bonds of this state or those for which the faith and credit of the State of California are pledged for the payment of principal and interest and bonds of any other state in the United States that has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

County, etc., bonds.

3 Bonds or interest-bearing notes or obligations issued under authority of law by any county, municipality or school district in this state or in any other state or territory of the United States; *provided,* that said county, municipality or school district or the state or territory in which it is located has not, within two years next preceding such investment by such

insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

4. Bonds of any permanent road division in this state, and any irrigation district bonds which the law may now or hereafter authorize as legal investments for insurance companies; *provided*, that the total amount of bonds issued by any such irrigation district does not exceed sixty per centum of the aggregate market value of the lands within such district, and of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned or to be acquired or constructed with the proceeds of any such bonds, by such district, such facts in reference to bonds of irrigation districts to be determined by a commission now or hereafter authorized by law to ascertain and report upon such facts.

Road division, etc. bonds

5. (a) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the principal so loaned or the entire note or bond issue so secured shall not exceed sixty per centum of the market value of such real estate, or of such real estate with improvements taken as security at the date of investment; *provided, also*, in case said loan is made, or said note or bond issue created for a building loan on real estate, that at no time shall the principal so loaned or the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; or

First mortgage notes

(b) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter VIII of title II of part IV of division first of the Civil Code; *provided*, that no insurance corporation shall make any investment in any of the securities specified in subdivisions one, two, three, four and five of this section in an amount exceeding the market value of such security, at the date of such investment.

Notes guaranteed by policy of mortgage insurance

6. Corporations organized for and engaged in the business of fire, life or marine insurance, may, after the investment of two hundred thousand dollars, and corporations organized for and engaged in the business of transacting any other kind of insurance authorized by law, except mortgage insurance, may also, after the investment of one hundred thousand dollars in any of the securities specified in subdivisions one, two, three, four and five of this section, invest the balance of their capital, surplus and any accumulations in the purchase of or loans upon the stock of any corporation (except a mining corporation) organized and carrying on business under the laws of this state, or the laws of the United States, which stocks have, at the date of such investment, a market value of not less than their paid-in value, or in the purchase of, or loans upon, interest-bearing bonds issued by a corporation organized under the laws of

Investment of balance of capital

Investment  
of balance  
of capital

any state or territory in the United States, which corporation has not, within five years next preceding the date of such investment, defaulted in payment of any part of either principal or interest of any bond of the issue of which the bonds which comprise such investment form a part, and which stocks or bonds must, in each case, be rated as first class securities; *provided*, that any investment made, under the provisions of this subdivision of this section shall be approved by vote of two-thirds of all the directors of the investing corporation. Such approval shall be entered upon the records or minutes of such corporation. Such entry must show the fact of making such investment, the amount thereof, the name of each director voting to approve the same, the amount, character and value of the security purchased or taken as collateral, and if the investment be a loan, the name of the borrower, the rate of interest thereon, and the date when the loan will become due or payable. It shall be the duty of the secretary of any such investing corporation to report in writing during the months of January and July of each year to the insurance commissioner, the data above set forth respecting each such investment, and the insurance commissioner may, if any such investment is not approved by him, require the corporation to sell or dispose of the same.

Policy  
loans.

7. Life insurance companies may also loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred thirty-four of the Political Code; *and provided, further*, that whenever any such loan in any amount is made on a policy registered with the insurance commissioner under said section six hundred thirty-four of the Political Code, such registration shall be forthwith canceled.

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## CHAPTER 768.

*An act to amend section five hundred ninety-four of the Political Code, relating to the classification of insurance business and to the capital stock of insurance companies.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section five hundred ninety-four of the Political Code is hereby amended to read as follows:

Classification  
of insurance  
business

594. All insurance business in the State of California is hereby classified in the following sixteen kinds, namely:

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities.

2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes. Classification of insurance business

3 Marine insurance, including within its meaning insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and *respondentia* interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation.

4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise.

5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds.

6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto.

7 Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit.

8. Liability insurance, including within its meaning workmen's compensation insurance and all other insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employee or other person, and for which the insured is liable.

9. Boiler and machinery insurance, including within its meaning insurance upon steam boilers and pipes, fly wheels, engines and machinery connected therewith or operated thereby, against explosion and accident, and against loss and damage to life or property resulting therefrom, and against loss of use and occupancy caused thereby.

10. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both.

11. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

Classification  
of insurance  
business.

12. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus.

13. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or fire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels nor boats nor any railroad rolling stock.

14. Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only, nor be construed to prevent a life insurance company which also transacts liability insurance from issuing a policy of insurance upon an automobile, covering the liability hazard only.

15. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principal, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of an undivided or other partial interest in any such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon.

16. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance; and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

Require-  
ments to  
do business

No company shall do any of the foregoing sixteen kinds of insurance unless authorized to do so by its charter. No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth and eighth classes; *provided*, that any such insurance company desiring to do either the sixth or eighth class, must have in addition to such two hundred thousand dollars of capital stock, at least fifty thousand dollars of capital stock for each class it desires

to do, and one hundred thousand dollars additional capital stock to do both such additional classes. No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars nor shall any such company do in California, any other of said kinds of insurance, except the third, ninth, twelfth, fourteenth and sixteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class that it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance or the four hundred thousand dollars required if it does both fire and marine insurance. No company having a capital stock shall do in California any of said third kind of insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance except the second, thirteenth, fourteenth and sixteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance or the four hundred thousand dollars required if it does both marine and fire insurance. No company having a capital stock shall do in California any of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth or sixteenth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to do, nor do any other of such classes without having in addition to such one hundred thousand dollars of capital stock at least fifty thousand dollars additional capital stock for each additional kind of insurance, that it desires to do. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth or sixteenth classes of insurance, shall do any of the first, second or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance, and no company doing the fifteenth class of insurance shall do any other class of insurance, and no company doing any other class of insurance shall do either the fourth class or the fifteenth class of insurance. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy; and no company shall do in California any mortgage insurance without having at least two hundred fifty thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy.

Requirements to do business

Capital  
stock  
must be  
paid up

Such capital stock required must be fully paid up before doing any such business in the State of California, except that companies incorporated under the laws of California, must have at least twenty-five per cent of their capital stock paid in previous to the issuance of any policies and the residue within twelve months of the filing of the articles of incorporation with the secretary of state. If such residue is not paid within twelve months, the insurance commissioner must cancel any certificate of authority previously issued to such company. The capital stock required must be unimpaired and shall be exclusive of all liabilities for losses reported, expenses, taxes and re-insurance of all outstanding risks as provided in sections six hundred and two and six hundred and two *a* of the Political Code. Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and re-insurance of all outstanding risks as provided in sections six hundred and two and six hundred and two *a* of the Political Code.

#### CHAPTER 769.

*An act to revise and amend chapter VIII of title II of part IV of division first of the Civil Code, relative to mortgage insurance.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Chapter VIII of title II of part IV of division first of the Civil Code is hereby revised and amended to read as follows:

#### CHAPTER VIII.

##### MORTGAGE INSURANCE.

- Sec. 453aa. Mortgage insurance companies subject to insurance laws and the authority of insurance commissioner.
- 453bb. Mortgage insurance company defined. The term "security" as used in this chapter defined. Policy of mortgage insurance defined. Mortgage participation certificate defined. Entire mortgage guaranty defined.
- 453cc. Requisite capital stock of mortgage insurance company; certificate of authority required. Kind and amount of securities that may be guaranteed. Policies of mortgage insurance do not constitute "debts" or "indebtedness" of issuing company. Can not invest in, hold or own capital stock of another corporation, except as provided herein.
- 453dd. Must accumulate a surplus. Restriction on making of dividends.
- 453ee. Investments permitted.
- 453ff. Mortgage participation certificates and guaranteed securities made legal investments for trust funds, insurance companies and others.
- 453gg. Quarterly reports to insurance commissioner.

453aa Every mortgage insurance company shall be subject to and shall comply with all the requirements of the laws of this state made applicable to insurance companies generally and the rules and regulations of the insurance department of this state, excepting in so far as said laws, rules or regulations may be inconsistent with the other provisions in this chapter contained; and the insurance commissioner shall have the same power and authority over such company that he may exercise in relation to other insurance companies, including the right to examine and inspect the financial condition and affairs of such company relating to the business of such company, and to compel compliance with the provisions of law governing any such company.

Mortgage insurance companies subject to insurance department

453bb. The term "mortgage insurance company" shall include every association, corporation, firm or person who shall engage as a business in making and issuing policies of mortgage insurance.

Definitions

The term "security" wherever used in this chapter, without a different meaning being specified or made apparent, shall be construed to refer to and include within its meaning a note or notes, or bond or bonds, together with the mortgage or deed of trust securing the same which evidence a debt secured by a first lien on a marketable title in fee to real estate, or to real estate with improvements thereon.

Any contract made and issued by a mortgage insurance company which purports to guarantee or insure against loss on, or to guarantee the payment of, within a specified time, the whole, or any part, of the principal, interest or other sums agreed to be paid under the terms of any security, or other sums secured under the terms of any security, shall be deemed, and is hereby designated, a "policy of mortgage insurance."

A policy of mortgage insurance which evidences the ownership by the insured of an undivided or other partial share or interest, or the right to participate to a specified extent, in a security, or in a group consisting of several securities, and purports to guarantee the payment of such securities, or the payment of such undivided or other partial share or interest therein, or the amount of such participation, may be referred to as, and is hereby designated, a "mortgage participation certificate"

A policy of mortgage insurance, other than a mortgage participation certificate, which covers and refers to the entire indebtedness evidenced by a security, may be referred to as, and is hereby designated, an "entire mortgage guaranty."

453cc. No mortgage insurance company shall engage in business, or issue any policy of mortgage insurance, within this state without having at least two hundred and fifty thousand dollars in capital stock fully paid in, in cash; nor until after having obtained from the insurance commissioner his certificate that such company has complied with the laws of this state applicable thereto and is duly authorized to do business as a mortgage insurance company.

Capital stock must be paid up

First lien  
security

No mortgage insurance company shall guarantee the payment of any security except the same be a first lien upon a marketable title in fee to the property covered thereby. No mortgage insurance company shall issue any policy of mortgage insurance guaranteeing the payment of any portion of any security exceeding fifty per centum of the market value of the real estate with improvements covered by the same. No mortgage insurance company shall have at any time outstanding policies of mortgage insurance guaranteeing the payment of securities the aggregate amount of the unpaid principal of which exceeds twenty times the amount of its paid up capital. The making and issuing of policies of mortgage insurance under this act by mortgage insurance companies must not be construed to be the creation of debt within the meaning of the phrase "create any debts" in section three hundred nine of the Civil Code, nor of indebtedness within the meaning of the phrase "such capital stock can not be diminished to an amount less than the indebtedness of the corporation" in section three hundred fifty-nine of the Civil Code, except that no mortgage insurance company shall reduce its capital stock to an amount less than is required by this act to be maintained by such mortgage insurance company, or less than the indebtedness of such mortgage insurance company other than such policies of mortgage insurance.

Not to  
hold stock  
of other  
company.

No mortgage insurance company shall invest in, hold or own any of the capital stock of any other corporation, or make any loan, in whole or in part, on the security of capital stock of any other corporation; *provided*, that a mortgage insurance company may take in its own name as pledgee, in connection with any loan conforming to the provisions of subdivision five of section four hundred fifty-three *ce*, stock in a water or power corporation in cases where such stock represents the right to receive or obtain water or power for the irrigation or cultivation, or other beneficial use thereon, of the real estate covered by the loan, whether such right be appurtenant thereto or otherwise; and if such loan be used as a part of a security or of a group of securities taken as the basis for the issue of mortgage participation certificates, may assign such stock to a trust company as a part of the security or securities required to be assigned by the terms of section four hundred fifty-three *ff*. Said company may also hold, use, transfer or dispose of any such stock for the benefit and protection of such loans.

No loan  
to officers.

No loan shall be made by any mortgage insurance company directly or indirectly to any of its officers or directors.

Penalty

A violation of any of the terms or provisions of this section shall not make any security or any policy of such company void or voidable, but any officer, director, agent or other employee of any mortgage insurance company who knowingly consents to any violation of any of the terms or provisions of this section shall be guilty of a misdemeanor.

Surplus  
fund.

453*dd*. Every mortgage insurance company shall annually set apart a sum equal to ten per centum of its net earnings

collected during the year, which sums shall be allowed to accumulate until a fund shall have been created equal in amount to twenty-five per centum of the paid up capital stock of such company. Such fund shall be maintained as a further security to the holders of policies of mortgage insurance issued by such company, and shall be known as the "surplus"; and if at any time such surplus shall be impaired by reason of a loss, the amount by which it may be impaired shall be restored in the manner hereinabove provided for its accumulation. All additions to said surplus, whether made in fulfillment of the requirements of this section or voluntarily by the company, shall be and remain subject to the provisions of this law. Such company must not make any dividends except from profits remaining on hand after retaining unimpaired:

Dividends.

1. The entire capital stock.
2. The amount set apart as a surplus under the provisions of this section.
3. A sum sufficient to pay all liabilities for expenses and taxes, and all losses reported or in course of settlement, without impairment of said surplus.

453cc. A mortgage insurance company may invest its capital, surplus, and accumulations in the purchase of, or loans upon, any of the obligations specified in subdivisions one to six inclusive of this section:

Legal investments.

1. Bonds or interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

2. Bonds of this state or those for which the faith and credit of the State of California are pledged for the payment of principal and interest and bonds of any other state in the United States that has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

3. Bonds or interest-bearing notes or obligations issued under authority of law by any county, municipality or school district in this state or in any other state or territory of the United States; *provided*, that said county, municipality or school district or the state or territory in which it is located has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

4. Bonds of a permanent road division in this state, and any irrigation district bonds which the law may now or hereafter authorize as legal investments for insurance companies; *provided*, that the total amount of bonds issued by any such irrigation district does not exceed sixty per centum of the aggregate market value of the lands within such district, and of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned or to be acquired or constructed

Legal  
investments

with the proceeds of any such bonds, by said district, such facts in reference to bonds of irrigation districts to be determined by a commission now or hereafter authorized by law to ascertain and report upon such facts.

5. Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the principal so lent or the entire note or bond issue so secured shall not exceed fifty per centum of the market value of such real estate, or of such real estate with improvements; *provided, also*, in case said loan is made or said note or bond issue created as or for a building loan on real estate, that at no time shall the principal so lent or the entire outstanding note or bond issue exceed fifty per centum of the market value of the real estate and the actual cost of the improvements thereon.

6 Securities guaranteed by a mortgage insurance company operating under the laws of the State of California, also mortgage participation certificates issued by any such company in accordance with the provisions of this chapter, including securities guaranteed and mortgage participation certificates issued by the investing company.

Mortgage  
participation  
certificates  
legal  
investments  
for trust  
funds

453ff. Mortgage participation certificates, also securities guaranteed by policies of mortgage insurance issued in conformity with the provisions of this chapter shall be legal investments for all trust funds held by any executor, administrator, guardian, trustee or other person holding trust funds, also for the funds of insurance companies, banks, banking institutions and trust companies, and shall be accepted by the State of California, its officers and officials, as securities comprising any part of any fund or deposit required by law to be made with the State of California, or any officer or official thereof, by any trust company or insurance company doing business in the State of California, and all premiums required to be paid according to the terms of any such mortgage participation certificate, or other policy of mortgage insurance, may be charged to or paid out of the income from the note or notes or bond or bonds covered thereby; *provided*, that the foregoing provisions of this section, in so far as they refer to mortgage participation certificates, shall apply only to such mortgage participation certificates as evidence the ownership of shares or interests in, or participation in, securities which shall have been assigned to a trust company organized and doing business under the laws of and within this state and shall be held by such trust company for the common and equal benefit of the holders of all mortgage participation certificates issued or to be issued evidencing the ownership of shares or interests in, or participation in, any particular security or group of securities so assigned and such trust, and the administration thereof, shall at all times be and hereby is expressly made subject to the inspection, supervision and control of the superintendent of banks as fully and completely as if the same constituted a court trust under the provisions of

Supervision  
of State  
banking  
department

the bank act; *provided, also*, that each such mortgage participation certificate must bear the certificate of such trust company to the effect that the aggregate amount of mortgage participation certificates then outstanding, including both the one being certified and all others based on the same security or group of securities, does not exceed the amount of the unpaid principal of the debt or debts evidenced by such particular security or group of securities. *provided, also*, that each security so assigned shall be accompanied by a copy of the appraisalment and of the certificate of the directors filed or to be filed with the insurance commissioner as required by the provisions of this chapter; *provided also*, that a copy of each such appraisalment and accompanying certificate of the directors shall be promptly, upon the assignment of each such security, transmitted to the superintendent of banks, and that each such copy of appraisalment so transmitted shall bear an endorsement or certificate executed by the trust company to which each such security is so assigned reciting and setting forth the amount of the unpaid principal named in the security which covers the property described in such appraisalment; *provided, also*, that if any such mortgage participation certificates, or securities guaranteed by policies of mortgage insurance issued in conformity with the provisions of this chapter, are used as securities comprising any part of any fund or deposit required by law to be made with the state treasurer by a trust company, the securities so guaranteed or the ownership of, or participation in, which is evidenced by such participation certificates must constitute a first lien on improved and productive real estate in the State of California, such improved real estate being worth at least double the amount of such lien; and also that the real estate and improvements which are covered by the lien of any security so guaranteed or the ownership of, or participation in, which is evidenced by mortgage participation certificates which are so used shall be reappraised at least once every two years and in the manner in this chapter provided for appraisements, and a copy of each such reappraisalment shall be filed with the trust company to which such security shall have been assigned and the original of each such reappraisalment bearing the endorsement or certificate of such trust company as to the amount of the unpaid principal named in such security shall be filed with the superintendent of banks; *provided, further*, that the legality or validity of entire mortgage guaranties and mortgage participation certificates heretofore issued which fully conform to and comply with the law in force at date of issuance shall not be affected or impaired by the provisions of this chapter and such entire mortgage guaranties and mortgage participation certificates shall continue to be legal investments and recognized for all purposes to the extent and in the manner provided by the law in force at date of such issuance.

Proviso as to securities deposited with state treasurer

A mortgage insurance company which issues mortgage participation certificates in accordance with the provisions of

Substitution of securities

Substitution  
of securities.

this section may at any time and from time to time substitute for any security or securities comprising or constituting a part or parts of a group of securities, the ownership of, or participation in, which is evidenced in whole or in part by any such participation certificates, other securities similarly guaranteed by it and withdraw from the trust company the security or securities for which such substitution shall be made; *provided, however*, that at all times the amount of the unpaid principal of the debts evidenced by the particular group of securities held by such trust company and affected by any such substitution shall not be less than the aggregate amount of the participation certificates theretofore issued then outstanding and evidencing the ownership of undivided or other partial shares or interests, or participation, in such group of securities; *and provided, further*, that the right of substitution hereinbefore provided and the exercise thereof shall not alter or affect the status of such participation certificates as legal investments for trust funds, insurance companies, banks, banking institutions and trust companies as hereinbefore provided, or as securities acceptable by the State of California, its officers and officials, as comprising or constituting any fund or deposit, or any part thereof, required by law to be made with the State of California, or any officer or official thereof, by any trust company or insurance company doing business in the State of California.

Reports

453gg. Every mortgage insurance company shall make a report in writing to the insurance commissioner, which report shall be made quarterly, and shall be verified by the oath of its president or vice president, and its secretary or treasurer or of any two of its principal officers. Such report shall contain a statement of each new policy of mortgage insurance issued by such company since the last preceding report, stating specifically whether such policy constitutes an entire mortgage guaranty or a mortgage participation certificate.

When policy  
constitutes  
entire  
mortgage  
guaranty

When such policy constitutes an entire mortgage guaranty, such report shall set forth separately the following facts regarding the security on which the policy is based, namely:

1. The aggregate amount of the unpaid principal indebtedness evidenced by such security.

2. A description of the property covered by such security.

3. Separately, the market value of the land and the market value of the improvements thereon, if any, as shown by an appraisalment as provided for by the terms of this section, also the aggregate value of such land and improvements.

4. The book and page of the record of the mortgage or deed of trust which is a part of such security.

When policy  
constitutes  
mortgage  
participation  
certificate

When such policy constitutes a mortgage participation certificate such report shall set forth, directly or by reference to a previous report, separately the following facts regarding the security or securities on which such participation certificate is based, namely:

1. The aggregate amount of unpaid principal indebtedness evidenced and secured by such security or securities, and, separately, the amount of the unpaid principal indebtedness evidenced and secured by each such security.

2. A description of the property covered by each such security.

3. Separately, the market value of the land and the market value of the improvements thereon, if any, as shown by an appraisalment as provided for by the terms of this section, also the aggregate value of such land and improvements.

4. The book and page of the record of each mortgage and deed of trust which is part of such security or securities.

5. The aggregate amount of participation certificates issued, outstanding and based upon the particular security or group of securities on which the certificate so reported is based.

There shall be filed with such report an appraisalment of each separate parcel of property mentioned in the report, an appraisalment of which has not theretofore been made and filed in accordance with the provisions of this section, which appraisalment shall be made by a person or corporation approved by the insurance commissioner and by the superintendent of banks. In such appraisalment the market value of each parcel of land and of the improvements thereon, if any, also the aggregate value of such parcel of land and improvements shall be stated, together with a general statement of the character of such land and of the kind and condition of such improvements, if any.

Appraisalment of property.

Such appraisalment shall be signed and verified by such appraiser, or by an officer of the corporation making such appraisalment, and shall be accompanied by a certificate signed and verified by at least three directors of such mortgage insurance company to the effect that in the opinion of the affiants and each of them such appraisalment is correct, and that in their opinion the amount thereof does not exceed the market value of the property, and that the principal amount lent on the security of such property does not in their opinion exceed fifty per centum of the market value of such property, also to the effect that said company has in its possession or control evidences of title consisting of a full abstract of title, a full certificate or guaranty of title, or a policy of title insurance, showing that the mortgage or deed of trust securing such loan is a first lien upon a marketable title in fee to the property covered thereby.

In case of the neglect or failure of any such mortgage insurance company to make any such quarterly report as herein provided, such company shall forfeit to the State of California ten dollars per day for every day during which such neglect or failure continues; *provided, however,* that the insurance commissioner shall have authority to extend the time within which any such report may be filed for not exceeding a period of ten days.

Penalty

## CHAPTER 770.

*An act to amend section six hundred five of the Political Code of the State of California, relating to the fees of the insurance department.*

[Approved June 12, 1915. In effect August 11, 1915.]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred five of the Political Code of the State of California is hereby amended to read as follows:

Insurance  
department  
fees

605. The commissioner must require in advance, in United States gold coin, the following fees: (1) For filing papers required under either of subdivisions two or three or four of section six hundred seven of the Political Code, fifty-five dollars; (2) for filing papers required under subdivision five of section six hundred seven of the Political Code, on account of change or changes made at one time, ten dollars; (3) for filing annual statement required to be filed, twenty dollars; (4) for filing bond under section six hundred twenty-three of the Political Code, five dollars; (5) for filing appointment of agent or stipulation or both appointment and stipulation under section six hundred sixteen of the Political Code, five dollars; (6) for filing each certificate of deposit of securities under section five hundred ninety-four *a* of the Political Code, five dollars; (7) for furnishing copies of papers filed in his office, twenty cents per folio; (8) for certifying copies, one dollar each; (9) for each certificate issued, as provided in section six hundred nineteen of the Political Code, five dollars; (10) for registering each policy and issuing certificate as provided by section six hundred thirty-four of the Political Code, twenty-five cents; (11) for issuing each annual certificate of authority authorizing any insurance company to transact business in this state, ten dollars; (12) for issuing each annual license under section six hundred thirty-three of the Political Code, to an agent or solicitor, one dollar; (13) for issuing each annual license under section six hundred thirty-three *a* of the Political Code to an insurance broker, ten dollars; (14) for attaching the seal of office to any paper or document not herein specified, one dollar; (15) for issuing any other certificate, two dollars.

CHAPTER 771.

*An act to amend section six hundred thirty-four of the Political Code of the State of California, relating to the registration of policies of life insurance companies.*

[Approved June 12, 1915 In effect August 11, 1915]

*The people of the State of California do enact as follows:*

SECTION 1. Section six hundred thirty-four of the Political Code of the State of California is hereby amended to read as follows:

634. It shall be lawful for any company or corporation transacting the business of life insurance in this state to register with the insurance commissioner its policies, *provided*, that any company electing to register any of its policies shall thereafter be required to register each policy issued by it so long as it continues to register any of its policies. Such registration shall show the name and age of the insured, number and date of the policy and the kind and amount of insurance in each case. Each policy thus registered shall have upon its face a certificate substantially in the following words: "This policy is registered and the reserve is deposited as required by section six hundred thirty-four of the Political Code of California," which certificate shall be signed by such commissioner and sealed with the seal of his office. For each such registration certificate, the company must pay a fee of twenty-five cents. Upon registering such policies from time to time, the company must deposit with the commissioner as a special deposit for the benefit of such registered policies, securities of the denominations stated in section four hundred twenty-one of the Civil Code as permissible for the investment of the capital and accumulations of insurance companies. Such deposit must be in an amount equal to the full net value of all policies registered up to the time of making the deposit, and must at all times be equal to such net value of all registered policies. Upon receipt of such securities, the commissioner must immediately deposit them in the state treasury, in accordance with the provisions of section six hundred eighteen of the Political Code, where they must remain as a special security for the benefit of such registered policies. Such company may at any time withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying said commissioner by written proof that such excess exists, and shall be allowed to receive the interest on all securities deposited, and to exchange such securities by substituting other securities of the character in which, by the laws of this state, it may invest its funds. Should any such company thus registering policies thereafter become insolvent, the insurance commissioner shall have full authority to reinsure all or any part of such registered policies and may use the securities thus deposited for such purpose.

Registration  
of policies  
of life  
insurance  
companies

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CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

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## CHAPTER 1.

*Senate Concurrent Resolution No. 1, relative to inaugural ceremonies.*

[Filed with Secretary of State January 23, 1915.]

*Resolved by the senate, the assembly concurring.* That a committee of three members of the senate be appointed to confer with a committee of four members of the assembly to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the senate and the speaker of the assembly, respectively, and to have full power to act in the premises; any expense to be paid equally by the senate and assembly out of the several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Inaugural ceremonies committee

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## CHAPTER 2.

*Senate Concurrent Resolution No. 2, relative to appointment of committee for joint rules.*

[Filed with Secretary of State January 23, 1915.]

*Resolved by the senate, the assembly concurring.* That a committee of three members of the senate, one of whom shall be the president pro tem, be appointed to confer with a committee of four members of the assembly, one of whom shall be the speaker, said committees to be appointed by the president of senate and speaker of assembly, respectively, to propose and present joint rules of the two houses for the forty-first session of the legislature.

Joint rules committee.

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## CHAPTER 3.

*Assembly Concurrent Resolution No. 1, relative to joint session of senate and assembly for the purpose of canvassing the vote for governor and lieutenant governor, as provided by article five, section four of constitution.*

[Filed with Secretary of State January 23, 1915.]

*Resolved by the assembly, the senate concurring.* That the senate and assembly meet in joint session in the assembly chamber at two o'clock in the afternoon of this day, January 5, 1915.

Canvass of vote for governor

for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant governor, as provided and required by article V, section 4, of the constitution of the State of California.

#### CHAPTER 4.

*Assembly Concurrent Resolution No. 3, relative to approving charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the seventh day of November, 1914.*

[Filed with Secretary of State January 23, 1915.]

Bakersfield  
charter.

WHEREAS. The city of Bakersfield, a municipal corporation of the county of Kern, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the census of 1910 taken under the direction of the congress of the United States; and

WHEREAS. At a special election duly held in said city on the fifth day of May, 1914, under and in accordance with the law and the provisions of section 8, article XI, of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS. Said board of freeholders did, within one hundred and twenty days after the result of said election was declared, prepare and propose a charter for the government of the city of Bakersfield; and

WHEREAS. Said charter was on the 31st day of August, 1914, signed in duplicate by a majority of said board of freeholders, and was thereupon duly returned and filed, one copy with the city clerk of the said city of Bakersfield, and the other copy with the county recorder of the county of Kern; and

WHEREAS. Said proposed charter was thereafter published ten times in the Bakersfield Californian, a daily newspaper of general circulation, printed, published and circulated in the city of Bakersfield on the following days of publication, to wit: September 17, 18, 19, 21, 22, 23, 24, 25, 26 and 28; the first publication thereof having been made within fifteen days after the filing of the copy thereof on the third day of September, 1914, in the office of the said city clerk; and

WHEREAS. Said proposed charter was, not less than twenty days nor more than forty days after the completion of said publication, to wit: on the seventh day of November, 1914, submitted by the board of trustees of the city of Bakersfield

to the qualified electors of said city at a special election duly called and held therein; and

WHEREAS, At said last mentioned special election a majority of the qualified electors of said city, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing the return of said last mentioned special election, duly found and declared that a majority of said qualified electors voting at said special election had voted for, and ratified said charter as above specified; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

## THE CHARTER OF THE CITY OF BAKERSFIELD.

### ARTICLE I.

#### NAME AND BOUNDARIES.

##### *Name of city.*

SECTION 1. The inhabitants of the city of Bakersfield, as Name. its limits now are, or may hereafter be established, shall be a body politic and corporate, by name the city of Bakersfield, and as such shall have perpetual succession.

##### *Boundaries of the city of Bakersfield.*

SEC. 2 Commencing at intersection of the east boundary Boundaries line of Union avenue with the north boundary of Thirty-fourth street, if extended easterly, thence running west along the said north boundary line of Thirty-fourth street and in prolongation thereof, to the left or east bank of Kern river; thence meandering southwesterly along said east bank of Kern river to its intersection with the west boundary line of Oak street; thence south along the west boundary line of Oak street to its intersection with the south boundary line of Palm street, if extended westward; thence east along the south boundary line of said Palm street, if so extended, to the west boundary line of H street; thence south along the west boundary line of H street to the south boundary line of Fourth street; thence east along the south boundary line of Fourth street and the extension of same to the east boundary line of said Union avenue; thence north along the east boundary line of said Union avenue to the intersection thereof with the south boundary line of section twenty-nine (29), township twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian; thence east to the southeast corner of the southwest quarter of section twenty-eight (28), township twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian, thence north one mile to the northeast corner of the northwest quarter of said section twenty-eight; thence west to the northwest corner of the northwest quarter of said section twenty-eight; thence north to the northeast corner of the southeast quarter of section twenty (20),

township twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian; thence west to the center of said section twenty; thence south on the half-section line of said section twenty to the north boundary line of said section twenty-nine; thence west on said boundary line to the east boundary line of Union avenue; thence north on said east boundary line of Union avenue and Union avenue extended, to the place of beginning.

## ARTICLE II.

### POLITICAL SUBDIVISION.

#### *Ward divisions.*

**Wards.** SEC. 3 The city of Bakersfield shall be divided into seven political subdivisions, which shall be known as wards, and shall be described, bounded and numbered as follows:

#### *First ward.*

**First ward.** SEC. 4. All that portion of the city of Bakersfield lying east of the center line of Baker street.

#### *Second ward.*

**Second ward** SEC. 5. All that portion of the city of Bakersfield lying west of the center line of Baker street, and otherwise bounded by wards Three, Four and Seven.

#### *Third ward.*

**Third ward** SEC. 6 Beginning at the intersection of the center line of Twenty-fourth street with the center line of Chester avenue, and running east along the center line of Twenty-fourth street to the intersection thereof with the center line of L street; thence north on the center line of L street to the intersection thereof with the center line of Twenty-fourth street, between L street and M street; thence east on the center line of Twenty-fourth street to the intersection thereof with the center line of M street; thence south on the center line of M street to the intersection thereof with the center line of Twenty-fourth street east thereof, thence east on the center line of Twenty-fourth street and the center line of Twenty-fourth street extended to the center line of the Kern Island canal; thence southwesterly and following the center line of said Kern Island canal to the center line of Nineteenth street; thence west on the center line of Nineteenth street to the intersection thereof with the center line of Q street; thence south on the center line of Q street to the intersection thereof with the center line of Truxtun avenue; thence west on the center line of Truxtun avenue to the intersection thereof with the center line of Chester avenue; thence north on the center line of Chester avenue to the point of beginning.

#### *Fourth ward.*

**Fourth ward** SEC. 7 All that portion of the city of Bakersfield lying west of the center line of Chester avenue and north of the center line of Eighteenth street and the continuation thereof.

*Fifth ward.*

SEC. 8. Beginning at the intersection of the center line of Chester avenue with the center line of Eighteenth street; thence south on the center line of Chester avenue to the boundary line between sections thirty and thirty-one, township twenty-nine south, range twenty-eight east, M. D. B. and M.; thence west along said boundary line to the west boundary line of the city; thence north on said west boundary line to the southwest corner of the Fourth ward; thence east on the south boundary line of said Fourth ward to the place of beginning.

*Sixth ward.*

SEC. 9. All that portion of the city of Bakersfield lying south of the south boundary line of the Fifth ward and west of the center line of Chester avenue, as the same is now, or may hereafter be extended.

*Seventh ward.*

SEC. 10. All that portion of the city of Bakersfield lying south of the center line of Truxtun avenue and between the center line of Union avenue, as the same now is or may hereafter be extended, and the center line of Chester avenue, as the same now is, or may hereafter be extended.

*Voting precincts.*

SEC. 11. The council shall establish voting precincts under the provision of state law, but each shall be wholly in one ward, nor shall the boundaries of a precinct be changed within twenty days before an election.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

*Rights and liabilities.*

SEC. 12 The city may use a corporate seal; may sue and be sued; may acquire property in fee simple or lessor interest, by estate, purchase, gift, appropriation, devise, lease, lease with privilege to purchase, for any municipal purpose; may sell, lease, hold, manage and control such property; may make any and all rules and regulations, to carry out all covenants or conditions of any conveyance, deed, gift, bequest or lease; may acquire, construct, own, lease, operate and regulate public utilities, may engage in the manufacture, sale or distribution of any commodity generally used by the inhabitants of the city of Bakersfield; may assess, levy and collect taxes and provide penalties for non-payment thereof, for general and special purposes, on all subjects or objects which the city may lawfully tax; may enforce the lien of taxes and penalties against property, for taxes assessed and levied thereon, by sale thereof; may borrow money on the faith and credit of the city, by sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate, and maintain all things of the nature of public

**Rights.** works and improvements, hospitals, parks, playgrounds or other places of amusement or entertainment, may for purposes of regulation and revenue, license all persons, corporations and associations engaged in any business, occupations and associations engaged in any business, occupation, profession or trade; may establish and maintain a free municipal employment office; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and may abate all nuisances and causes thereof; may regulate the construction, height and material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use of the streets and other public places; may create, establish, abolish and organize offices other than those herein provided, and except as herein provided, fix the salaries and compensations and hours of labor of all officers and employees; may make and enforce local police, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city; the city shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of the State of California; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, the city shall have, and may exercise all other powers which, under the constitution and laws of California, it would be competent for this charter specifically to enumerate.

Enumeration  
not  
exclusive.

*Public entertainment.*

**SEC. 13.** The city may appropriate money for any or all of the following purposes: reception and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work of inducing immigration to the city; and generally, for the purpose of advertising the city, *provided, however,* that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two cents on each one hundred dollars of the assessed value of property.

Public  
entertain-  
ment.

*Legislative powers of council.*

**Council.** **SEC. 14.** The legislative power of the city, except as reserved to the people by this charter, shall be vested in a council of seven members, one to be elected from each of the seven wards of the city by the electors thereof.

*Term of office.*

Term of  
office.

**SEC. 15.** Councilmen shall be elected for a term of two years, and shall serve until their successors are elected or appointed and have qualified.

*Vacancies in council.*

SEC. 16. Vacancies in the council shall be filled by the council, for the unexpired term, except when caused by recall election. When a vacancy occurs in the council, electors in the ward in which the vacancy occurred, equal in number to twenty-five per cent or more of the total vote cast for councilman therein, at the last general election, may file a petition, praying for a special election, to fill such vacancy. When such petition is filed, the signatures thereto shall be verified and certified, as provided for petitions for recall elections, and it shall thereupon be mandatory on the council to call such special election, within thirty days thereafter. If no such petition be filed within two weeks after the vacancy occurs council shall proceed to fill such vacancy. Vacancies.

*Qualifications of councilmen.*

SEC. 17. Members of the council, and candidates therefor, shall be residents of the city for three years and electors of the ward which they represent. Councilmen shall not hold any other public office except that of notary public or member of the state militia, and shall not be interested in any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forfeit his office, and any such contract, in which any member is or may become interested, shall be void. No member of the council shall, except in so far as is necessary in the performance of the duties of his office, directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the city other than the officers or employees of the council. Qualifications.

*Salary of councilmen.*

SEC. 18. The salaries of the councilmen first elected under this charter shall be fifty dollars per month. Thereafter the council may, by ordinance submitted to a referendum at any municipal election, change the salary of members of the council. Salary.

*Meetings of council.*

SEC. 19. On the second Monday following a regular municipal election, the council shall meet in the council chambers of the city hall at 8 p.m., at which time the newly elected and qualified councilmen shall assume the duties of their office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. Any four members thereof may call special meetings of the council upon notice to each member. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All meetings of the council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. Meetings.

The council shall determine its own rules and order of business and shall keep a minute book of its proceedings. Rules.

*President of council*

President.

SEC. 20. At the first meeting after assuming the duties of the office, the council shall elect one of its members president who shall hold the title of mayor, and preside at meetings of the council. He shall be the chief executive of the city and perform such other duties as presiding officer as may be imposed upon him by the council. In the absence of the president, the council shall elect a president pro tempore.

*Legislative procedure*

Procedure

SEC. 21. The council shall be the judge of the election of its members. A majority of all members shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members of the council shall be necessary to adopt an ordinance or resolution. The vote upon the passage of all ordinances and upon the adoption of such resolutions as the council by its rules prescribe, shall be taken by "yeas" and "nays" and entered upon the journal.

*Ordinance enactment.*Ordinance  
enactment.

SEC. 22. Each proposed ordinance or resolution shall be in written form and shall contain but one subject which shall be stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Bakersfield as follows." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of Bakersfield as follows:".

*Emergency measures.*When in  
effect.

SEC. 23. All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage, except as otherwise provided in this charter. The council may, by a two-thirds vote of the members, pass emergency measures to take effect at the time indicated therein.

*Definition of emergency measure.*Definition  
of  
emergency.

SEC. 24. An emergency measure is an ordinance or resolution for the immediate preservation of the public health, peace, property or safety, or providing for the daily operation of a municipal department in which the emergency is set forth in the preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility shall ever be so passed.

*Initiative petition.*

SEC. 25. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to twenty-five per cent of the total votes cast at the last general municipal election. The form and contents of the petition and the mode of verification and certification and filing shall be substantially as hereinafter provided.

Initiative

*Procedure.*

SEC. 26. When such petition and ordinance is presented, the clerk must endorse it, with date of filing, and within ten days thereafter, he must verify the signature thereto, and submit it to the council at the first regular meeting thereafter. The council shall pass the ordinance within ten days after its submission or call a special election, to be held within forty days after the clerk shall have submitted said petition, at which said ordinance shall be submitted to a vote of the people.

Verification of signatures.

*Publication of ordinance.*

SEC. 27. Whenever an ordinance is required by this charter to be submitted to the voters of the city, such ordinance shall be published in like manner as ordinance adopted by the council.

Publication.

*Form of ballot.*

SEC. 28. The ballots used when voting upon such ordinances shall give the title in full and state the general nature of the proposed ordinance and contain the words "For the Ordinance" and the words "Against the Ordinance" and otherwise conform to the provisions of this charter. If a majority of the votes cast thereon at such election be for the ordinance, it shall thereupon become a valid and binding ordinance of the city.

Ballot.

*Plurality of ordinance.*

SEC. 29. Any number of proposed ordinances may be submitted at the same election.

Ordinances submitted at one election.

*Repeal or amendment.*

SEC. 30. The council may submit an ordinance to repeal or amend any such ordinance to the electors at any succeeding general municipal election; and should such proposed ordinance so submitted receive a majority of the votes cast thereon at such election, the original ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Repeal or amendment

*Affidavit of signatures*

SEC. 31. The petition hereinbefore referred to must be signed by electors of the city and attached to an affidavit of one or more of the signers thereof, that the names thereto are names of electors as thereinbefore set forth and were subscribed to the said petition in the presence of the affiant.

Affidavit

*The referendum.*

Referendum.

Franchises  
subject to  
referendum.

SEC. 32. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public health or safety; the said ordinance to contain a statement of its urgency; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If before any ordinance is in force a petition signed by electors of the city, equal in number to twenty-five per centum or more, of the entire vote cast at the last general election, protesting against the passage of such ordinance, be presented to the council, said ordinance shall thereupon be suspended. The council shall submit the ordinance to the electors of the city either at the next general municipal election or at a special election, and such ordinance shall not go into effect unless a majority of the electors voting on the same, shall vote in favor thereof. The provisions of article VII respecting the forms and conditions of the petition and the mode of verification and certification and filing, and the ballot to be used, shall be substantially followed, with such modifications as the nature of the case may require.

*Conflicting measures.*Conflicting  
measures.

SEC. 33. At any special election, one or more other questions or ordinances may be submitted to the electors either by the same or by different ordinances, if said other questions and ordinances are such as may legally be submitted at such election, and the requirements of the charter have been complied with. If two or more measures approved or adopted at the same election conflict, the measure receiving the highest affirmative vote shall control in such conflicting portions.

## ARTICLE IV.

## OFFICERS AND EMPLOYEES.

*Officers appointed by the council.*

Officers.

SEC. 34. The council shall appoint the following officers whose terms of office shall be at the pleasure of the council:

1. City manager, who may or may not be a resident of the city at the time of his appointment.
2. Treasurer.
3. Assessor.
4. Attorney.
5. Clerk.

The council shall appoint the following officers whose terms of office shall be for a period of two years:

1. Auditor.
2. Police judge.
3. Public welfare commissioners.

*City manager.*

SEC. 35. The city manager shall have general supervision city manager. and direction of the administrative operation of the city government.

*Duties of manager.*

SEC. 36. The duties of the manager are:

1. To see that all the laws and ordinances are faithfully Duties. enforced by the heads of the departments;
2. To attend all meetings of the council at which his attendance may be required by that body;
3. To recommend for adoption to the council such measures as he may deem necessary or expedient;
4. To keep the council fully advised of the financial condition of the municipality and its future needs;
5. To prepare and submit to the auditor a tentative budget for the next fiscal year;
6. To appoint and remove, except as herein otherwise provided, all officers and subordinate officers and employees of the departments, in both the classified and unclassified service; all appointments to be upon merit and fitness alone;
7. To exercise control over all other departments and divisions that may be hereafter created by the council, and assigned to his management, not in conflict with the provisions of this charter;
8. To investigate all complaints, in regard to the service maintained by any and all public utilities in the city, and to take such proceedings as may be necessary to correct the abuse, if any.

*Salary of manager.*

SEC. 37. The city manager shall receive such salary as may Salary be fixed by the council, and before entering upon the duties of his office, he shall take the official oath required by this article.

*Heads of departments.*

SEC. 38. The following officers shall be appointed by and Departments hold office at the pleasure of the city manager:

1. Chief of police.
2. Chief of fire department.
3. City engineer.
4. Superintendent of streets
5. Health officer.
6. Building and plumbing inspector.

*Duties of appointive officers.*

Duties.

SEC. 39. The council shall define the duties of appointive officers, where not otherwise provided for in this charter, and where practicable, the duties of two or more officers may be performed by the same person.

*Auditor.*

Auditor.

SEC. 40. The duties of the auditor shall be: To certify to the treasurer the amount due to the city, from any source, and the treasurer shall not receive such money, unless such certificate shall have been presented and filed, showing the amount, from what source the indebtedness has arisen, and to what fund it should be apportioned; to keep a complete set of books, showing the balance of money in the treasury, and the amount charged against each officer or employee; to prepare, countersign and deliver, from time to time, as may be required, to the proper officer, agents or employees, all licenses and receipts, charging such officer, agent or employee therewith, and taking his receipt therefor; to draw and sign all warrants upon the treasurer for the payment of any legal demand against the city, when allowed by the council, or proper board or officer. No warrant shall be drawn, except upon a written demand, as aforesaid, which shall be filed and kept in the office of the auditor, with the date of filing, when allowed, and the name of the person holding the original demand against the city. He shall, upon the death or removal or expiration of the term of any officer handling any funds of the city, or being charged with any such funds, examine the accounts of such officer or employee, and report the result of his examination to the manager.

*Examination of records.*Examination  
of records.

SEC. 41. The city council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at least twice each year, without notice, examine the books, records, and reports of the auditor and of all other officers and employees who receive or disburse city money, and of such other officers and departments as the council may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the clerk, auditor and attorney. Any officer, clerk or employee who shall refuse to give all required assistance and information to such accountant or submit to him for examination such books, papers and records of his office as may be required, shall forfeit his office.

*Uniform accounts and reports.*Uniform  
accounts.

SEC. 42. The council shall prescribe uniform forms and accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

*Qualifications of officers and employees.*

SEC. 43. Except as otherwise specified in this charter, the qualifications of officers and employees of the city shall be as follows: Each elective officer must be a citizen of the United States, of the State of California, and of the city of Bakersfield, for three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the city of Bakersfield, shall, after any such annexation has been accomplished, be deemed and construed to have been within the city. Appointive officers, members of the public welfare board, subordinate officers and municipal employees, except employees in the unskilled labor division, must be citizens of the United States; each member of the police and fire department shall be of good repute for honesty and sobriety, able to read and write the English language; shall have been a resident of the city of Bakersfield for one year next preceding his appointment; *and further provided*, that in appointments to positions, citizens of the United States shall be employed in preference to aliens, and married men and men of family in preference to single men.

Qualifications of officers

*Oath of office.*

SEC. 44. Every officer of the city before entering upon the duties of his office, shall take the following oath of office and file the same with the clerk: I solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of California, and the charter and ordinances of the city of Bakersfield, and will truly and to the best of my ability perform the duties of the office of \_\_\_\_\_.

Oath of office

(Signed) \_\_\_\_\_

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_

*Bonds of officers.*

SEC. 45. All officers, commissioners, heads of departments, the city manager, and any subordinates, deputies or employees, as may be required by the council, shall execute a good and sufficient undertaking, in such sum as may be fixed by the council, for the faithful performance of their official duties, signed and executed by two or more persons, or by any surety company authorized to do business in the State of California

Bonds of officers.

*Restrictions upon officers and employees.*

SEC. 46. No officer, appointee or employee of the city, shall be interested in any contract or transaction with the city, or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or sub-contract made with or for the city, upon any bonds given for the performance thereof to the city, or contractor. No officer, appointee or employee shall receive any commission, money or things of value, or derive any profit, benefit or advantage direct or indirect, from or by reason of any dealings with or services

Officers not to be interested in contracts.

for the city by himself or others, except his lawful compensation as such officer, appointee or employee. The violation of the provisions of this section shall be a misdemeanor and shall work the forfeiture of such office or employment.

*Day of rest each week.*

Day of  
rest

SEC. 47. No employee or police officer shall be required to render services for which he is employed or appointed for more than six days in any week, except in times of stress or emergency; and when it would not result in the impairment of the service of which he is engaged, Sunday shall be preferred as the day of rest.

ARTICLE V.

FINANCE AND TAXATION.

*The fiscal year.*

Fiscal  
year.

SEC. 48. The fiscal year of the city shall commence upon the first day of July each year.

*Tax system.*

Tax  
system.

SEC. 49. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

*Compliance with state law.*

Assessments,  
by county  
assessor,  
etc.

SEC. 50. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force, whereby assessments may be made by the assessor of the county in which the city of Bakersfield is situated, and taxes collected by the tax collector of said county for and on behalf of the city of Bakersfield. Other provisions of this charter concerning the assessment levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

*Department estimates of annual requirements.*

Depart-  
mental  
estimates  
of expenses.

SEC. 51. On or before the first Monday in April in each year, or on such day in each year as shall be fixed by the council, the heads of departments, offices, board and commissions shall submit to the city manager a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions during the next ensuing fiscal year.

*Annual estimate of city's requirements and revenue.*

Auditor's  
estimate.

SEC. 52. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the council, the auditor shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of the city, and the wants of all the departments of the

municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

*Annual budget.*

SEC. 53. The council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed in each department, office, board or commission as the council may deem advisable.

*Board of equalization.*

SEC. 54. The council shall meet on the first Monday in August in each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session for at least five days. They shall have power to hear complaints and to correct or modify any assessment or cancel any assessment illegally made, provided that notice shall be given to the party whose assessment is to be raised.

*Annual tax levy.*

SEC. 55. The council must, not later than the first Tuesday in September in each year, pass an ordinance levying upon the assessed valuation of the taxable property in the city, a rate of taxation upon each one hundred dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the estimated amount to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

*Limit of tax levy.*

SEC. 56. The tax levy authorized by the council, to meet the municipal expenses for each fiscal year, shall not exceed (except as herein provided) the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council, if requested by the board of education, shall, in addition to the tax for municipal purposes, levy a tax for the adequate support of the public schools, such levy not to exceed twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within the school district.

*Bond tax and library tax.*

**Bond tax.** SEC. 57. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain a sinking fund of the bonded indebtedness of the city, and to provide for the support of free public libraries and reading rooms, and for any other purpose not forbidden by this charter or the laws of the state.

**Library tax.**

*Cash basis fund.*

**Cash basis fund.** SEC. 58. The council shall create and maintain a revolving fund, to be known as the cash basis fund; for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount thereof shall be sufficient to meet all legal demands against the city for the first four months or other necessary period of the succeeding fiscal year. The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned before the end of the fiscal year.

*Tax liens.*

**Tax liens.** SEC. 59. All taxes assessed together with any percentage and penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens, provided for in this article shall attach as of the first Monday in March of each year, and may be enforced by action in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certifications and deeds therefor, under such regulations as may be prescribed by ordinance: *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption and with like right of sale by the city, as it may be struck off and sold to the state when offered for sale for county taxes and sold by the state.

*Disposition of money collected.*

**Deposit of funds.** SEC. 60. Every officer collecting or receiving any funds belonging to or for the use of the city shall settle for the same immediately. The council may provide, in its discretion, for the deposit of the city's funds in banks in accordance with the state law.

ARTICLE VI.

DEPARTMENT OF PUBLIC WELFARE.

*Departments*

SEC. 61. The department of public welfare shall include the following subordinate departments: Public welfare department.

Public health and sanitation.

Public charities.

Parks and playgrounds

*Commission to control.*

SEC. 62. The department shall be under the administrative control of a commission of seven members, who shall serve without compensation, and shall be appointed one from each ward by the council, for a term of two years. The operative management of each department shall be under the direction and control of a head official to be appointed by the manager. Public welfare commissioners shall have charge of the inspection and supervision of all public amusements and entertainments, with full police powers to control, censure or suppress anything detrimental to public morals. Commission

*Department of public health.*

SEC. 63. The department of public health shall be under the control and management of the health officer, who must be a physician licensed to practice medicine and surgery in California, who shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants. He shall have power, and it shall be his duty: Public health department.

1. To see that all the ordinances and regulations of the council and of the department are enforced and complied with. Duties.

2. To inspect the drainage, sewage and garbage disposal.

3. To supervise the care, preparation, production and sale of all articles in any way distributed for food consumption.

4. To enforce all laws of the State of California and all regulations made by the department of health, applicable to the city.

5. In the exercise and enforcement of the duties of his department, he shall have the power of a peace officer, and may make arrests for the violation of any ordinances or laws governing his department, and may seize and confiscate any articles of food unfit for human consumption.

6. When necessary to the efficiency of his department, he may, with the consent of the manager, appoint one or more physicians, emergency surgeons, bacteriologists, and food and market inspectors, school and district nurses and a clerk of the department, and prescribe and direct their duties.

7. He shall have supervision and control of all hospitals or sanitoriums that may be established or maintained by the city.

*Department of public charities.*Public  
charities  
department.

SEC. 64. The department of charities shall be under the supervision of a commissioner, who shall investigate all applications for charity, and may furnish relief for immediate want or distress, and at once report the particulars of each case to the public welfare commissioner. He shall have the care and supervision of all homes, shelters and charitable institutions maintained by the city, that are not under the supervision and control of the department of health.

*Department of parks and playgrounds.*Parks and  
playgrounds  
department.

SEC. 65. The department of parks and playgrounds shall be under the supervision and direction of a park commissioner, who shall have the care and supervision and management of parks and playgrounds, and enforce the rules and regulations relating thereto and the use thereof. He shall make suggestions to the manager for improving and beautifying all property under the supervision of his department and for the general betterment thereof, for the purposes for which the property is dedicated.

## ARTICLE VII.

## ELECTIONS.

*Mode of election.*

Elections.

SEC. 66. The mode of nomination and election of all elective officers of the city and members of the board of education shall be as provided in this article.

*When held.*

When held.

SEC. 67. Within ten days after this charter shall have been ratified by the legislature and a certified copy thereof has been filed in the office of the secretary of state and a like copy has been recorded in the office of the county recorder of Kern county and deposited in the archives of the city, the governing body of the city of Bakersfield shall call a nominating election and a general election, under the provisions of this charter, to elect officers as herein provided. The nominating election shall be held on the first Tuesday after the expiration of fifty days from the filing of the certified copy of this charter in the archives, as aforesaid. The officers so elected shall hold office until their successors are elected and qualified. Thereafter a general election shall be held on the second Tuesday of April of the year 1917, and each odd-numbered year thereafter, for the election of members of the council, and members of the board of education shall be elected as herein provided.

Primary.

*Condition of candidacy.*Declaration  
of  
candidacy

SEC. 68. The candidate, not later than the first presentation to the clerk of his petition of nomination, and not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

*Declaration of Candidacy.*

I, ----- residing at No. -----  
----- street, Bakersfield, California, being duly  
sworn, hereby declare myself a candidate for the office of ----  
-----, to be voted for at  
the ----- municipal election,  
to be held in the city of Bakersfield, on the ----- day  
of -----, 19----, and hereby appoint -----  
-----, residing at No. -----  
street, city of Bakersfield, verification deputy.

(Signed) -----

STATE OF CALIFORNIA, }  
County of Kern. } ss.

Subscribed and sworn to before me this ----- day  
of -----, 19-----.

*Form of nominating petition.*

SEC. 69. The petition for nomination shall consist of not Nominating  
petition  
less than twenty-five nor more than fifty individual certificates,  
which shall read substantially as follows:

PETITION OF NOMINATION.  
(Individual Certificate)

I, the undersigned, certify that I do hereby join in a petition  
for the nomination of -----, whose  
residence is at No. -----, to be voted for the nominating  
election, to be held in the city of Bakersfield, on the -----  
day of -----, 19----, for the office of -----;  
that I believe said ----- is fully qualified  
for said office, and should be elected thereto; and I further  
certify that I am a qualified elector, and am not, at this time,  
a signer of any other petition nominating any other candidate  
for the above named office; that my residence is at No. -----  
----- street, between ----- street and  
----- street, Bakersfield, and that my occupa-  
tion is -----.

(Signed) -----

*Forms to be supplied by city clerk.*

SEC. 70. It shall be the duty of the clerk to furnish, upon Forms.  
application, a reasonable number of forms of individual certifi-  
cate of the above character.

*Requirements of certificate.*

SEC. 71. Each certificate must be a separate paper. All Require-  
ments of  
certificate.  
certificates must be of a uniform size, as determined by the  
clerk. Each certificate must contain the name of one signer  
thereto and the name of but one candidate. Each signer must  
be an elector, entitled to vote for the candidate named, and must  
not, at the time of signing a certificate, have signed any other  
certificate for the same office. In case an elector has signed

two or more conflicting certificates. all except the one first presented shall be rejected. Each signer must sign his name in the presence of the verification deputy, who must take oath before some officer authorized to administer and certify oaths, that the signatures thereto and each thereof, were made in his presence, and are genuine.

*Date of presenting petition and form thereof.*

Date of  
presenting  
petition.

SEC. 72. A petition for nomination, consisting of not less than twenty-five nor more than fifty individual certificates for any one candidate, may be presented to the clerk, not earlier than fifty days, nor later than twenty-five days before the election. The clerk shall endorse thereon the day, hour and minute when the petition was presented to him.

To be in  
book form.

The certificates constituting such petition, before being presented to the clerk, shall be fastened together in book form, arranged in alphabetical order, according to surnames, and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

*Examinations of petitions by city clerk.*

Examination  
by city  
clerk

SEC. 73. When a petition of nomination is presented for filing to the clerk, he shall forthwith examine the same, and ascertain whether it is sufficient under the provisions of this charter. Within seven days thereafter he must examine and determine whether or not it is sufficient and shall attach to said petition his certificate, showing the result of said examination, and forthwith send by registered mail, or deliver, a copy of said certificate to the person seeking a nomination. If the petition be found insufficient such certificate of the clerk shall designate each individual certificate found to be defective and the defect therein. If the petition be insufficient, it may be amended or supplemented by the presentation of an additional nominating petition containing additional nominating certificates, not later than twenty-five days before the date of the nominating municipal election. The clerk shall, within five days after the presentation of such additional nominating petition, make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional nomination petition shall have been presented, the petition shall be returned to the person seeking a nomination named as the person to whom the petition is to be returned. If necessary, the council shall provide extra help to enable the clerk to perform his duties, under any election provision of this charter.

Petition  
insufficient.

*Withdrawal of signature.*

Withdrawal  
of  
signature.

SEC. 74. Any signer to a certificate forming part of the petition of nomination may withdraw his name from the same, by filing with the clerk a revocation of his signature, before the presentation of the petition to the city clerk, and not otherwise. He may then sign a petition for another candidate for the same office.

*Withdrawal of candidate for nomination.*

SEC. 75. Any person who has filed his declaration of candidacy, as in this article provided, may, not later than thirty days before the day of the nominating election, cause his name to be withdrawn from nomination, by filing with the clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed on the ballot. Withdrawal of candidate.

*Filing of petitions.*

SEC. 76. If either the original or the amended petition be found to conform to the provisions of this article, the clerk shall file the same not later than twenty days before the date of the election. When a petition of nomination shall have been filed with the clerk, it shall not be withdrawn nor added to, and no signature shall be revoked thereafter. Filing of petitions

*Preservation of petitions.*

SEC. 77. The clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto, filed under this section. Preservation

*Election proclamation.*

SEC. 78. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, whether for a full or unexpired term and the names of the candidates for each, and shall, not later than twenty days before the nominating election, certify such list as being the list of candidates nominated, and the council shall cause said certified list to be filed and published in the proclamation calling the election for three successive days, commencing seven days before the day of the election. Said proclamation shall in all other respects be governed by ordinances. Election proclamation.

*Form of ballot.*

SEC. 79. The clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. Ballot.

*Requirements of ballot.*

SEC. 80. The form of the ballot shall be prescribed by the council and shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. The names of the candidates for each office shall be arranged in alphabetical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. Form.

*Space for voting cross.*

SEC. 81. A space, one-half inch square, shall be left at the right of the name of each candidate, wherein to mark the cross. Voting space.

Blank  
spaces.

SEC. 82. As many blank spaces as there are candidates to be voted for shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of each person for whom he may wish to vote.

*Sample ballots.*

Sample  
ballots.

SEC. 83. The clerk shall cause to be printed sample ballots identical, except on a different color of paper, with the ballot to be used at the election, and shall furnish copies of the same, on application, to registered voters, at his office for at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

*General election.*

Election.

SEC. 84. There shall be two candidates nominated for each officer to be elected and such number of candidates as may receive a higher number of votes than any other opposing candidates shall be the nominees, *provided*, that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office, except for the fact that one or more other persons received an equal number of votes therefor, all such persons receiving an equal number of votes shall likewise be candidates for such office. If, at any nominating election, any candidate for any office shall receive a majority of all votes cast for that office, he shall be declared elected to the said office, and no other election therefor shall be held. If, at any election, no candidate is elected, by reason of a tie vote, the office for which such persons were candidates shall, at the expiration of the current term, become vacant.

*Informalities in election.*

Informal-  
ities.

SEC. 85. No informalities in conducting elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter and the ordinances relating thereto.

*General election regulations.*

Election  
regulations.

SEC. 86. The provisions of the state law relating to the qualifications of voters, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable and not inconsistent or in conflict with this charter shall govern all elections. The council shall meet as a canvassing board and have the same powers and duties as boards of supervisors.

Canvass of  
vote.

RECALL ELECTIONS.

Recall  
elections.

SEC. 87. Any officer elected or appointed for a definite term may be recalled, after the expiration of three months from the commencement of his term, by the electors entitled

to vote for his successor. When a petition for the recall of a councilman is presented signed by electors of the ward which he represents, equal in number to twenty-five per cent, or more, of the total vote cast for councilman in such ward, at the last general election, and certified by the clerk, and his resignation shall not have been received, as herein provided, the recall of such councilman shall be submitted to a vote of the electors of said ward. When the officer sought to be recalled is not a councilman, the recall of such officer shall be signed by electors of the city equal in number to twenty-five per cent, or more, of the number of votes cast at the last general election. The signatures to such petition need not be all appended to one paper.

SEC. 88. Petition papers shall be procured only from the clerk, who shall keep a sufficient number of such blank petitions for distribution, as herein provided. Petition papers.

SEC. 89. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the clerk, stating the name and office of the officer sought to be removed. The clerk, upon issuing such petition papers to an elector, shall enter, in a record to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify upon such paper the name of the elector to whom issued and the date of the issuance. No petition paper so issued shall be accepted as a part of a petition unless it bears such certificate of the clerk and unless it be filed as provided herein. Affidavit as to officer

SEC. 90. Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place thereon after his name his place of residence by street and number. To each such petition paper shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the signature of the person whose name it purports to be. Signers of recall petition.

SEC. 91. All papers comprising a recall petition shall be assembled and filed with the clerk as one instrument within thirty days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed. Within ten days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the circulator thereof. Petition filed.

SEC. 92. Such recall petition may be amended at any time within twenty days after the making of the certificate of insufficiency by the clerk, by filing a supplementary petition upon an additional petition paper, issued, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amendment is filed, make like Amendment of petition.

examination of the amended petition, and if his certificate shall show the same to be still insufficient, he shall return it to the person designated in such petition to receive it, without prejudice, however, to the filing of a new petition for the same purpose.

Submitted  
to council.

SEC. 93. If a recall petition or amended recall petition shall be certified by the clerk to be sufficient, he shall at once submit the same with his certificate to the council and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five days after such notice, the council shall thereupon order and fix a day for holding a recall election. Such election shall be held not less than forty nor more than sixty days after the petition has been presented to the council, at the same time as any other general or special election which may be held within such period; if no such election be held within such period, the council shall call a special recall election to be held within the time aforesaid.

Officer may  
resign.

Ballots.

SEC. 94. The form of ballots used in recall elections, the method of marking and counting such ballots, and determining and declaring the result of such election shall conform to the provisions of this charter, relating to regular elections.

Nomination  
of  
candidates.

SEC. 95. Nominations of candidates to succeed any officer whose removal is sought and the election of his successor shall be made in the manner provided for nominations elections and general elections.

Successor.

SEC. 96. If recalled his successor shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notice of his election, the office shall thereupon be vacant.

Removed  
officer  
ineligible.

SEC. 97. An officer removed from office by recall election, or who shall resign from such office pending recall proceedings against him, shall be ineligible to hold the same office within two years after such recall or resignation.

## ARTICLE VIII.

### JUDICIAL DEPARTMENT.

#### *Police court.*

Police  
court.

SEC. 98. There is hereby created in and for the city of Bakersfield a court, which shall be known as the police court of the city of Bakersfield.

#### *Qualification of judge.*

Judge.

SEC. 99. Said court shall have one judge, who shall be appointed by the council for the term of two years and until his successor shall be appointed and qualified. The judge of said police court shall be subject to removal only by recall in the manner provided in this charter for the recall of elective officers.

*Exclusive jurisdiction.*

SEC. 100. The said court shall have exclusive jurisdiction; Jurisdiction.

1. In all criminal prosecutions of misdemeanors, under this charter, or ordinances of the city;

2. In all actions for the recovery of any fine, penalty or forfeiture, for the enforcement of any obligation or liability prescribed or created by the city ordinances, in which the sum sued for, exclusive of interest, does not amount to three hundred dollars.

*Concurrent jurisdiction with justices' court.*

SEC. 101. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' Concurrent Jurisdiction. courts, in case of misdemeanor, in which said justices' courts now or may hereafter have jurisdiction.

*Appeals.*

SEC. 102. Appeals may be taken to the superior court of Appeals. the State of California, in and for the county of Kern, from the judgments and orders of said police court, in all cases in which appeals now or may hereafter be taken to said superior court, from said justices' courts and police courts.

*Proceedings on appeal.*

SEC. 103. In all proceedings in and appeals from said Proceedings on appeal. police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justice courts, are hereby adopted and made applicable to said police court.

*Inability of judge to act.*

SEC. 104. Upon the sickness, absence or inability to act of Inability of judge to act. the judge of said police court, he shall cause to preside in his place any qualified justice of the peace or judge of any other inferior court of the county of Kern.

*Proceedings as in justice courts.*

SEC. 105. All provisions of law relating to justices of the Proceedings. peace and justices' courts, including appeals, are hereby made applicable to said police court; and said court and said judge shall have all powers and jurisdiction now or hereafter conferred by law upon justices' courts, police courts or justices of the peace in criminal cases.

*Fines paid into general fund.*

SEC. 106. All fines imposed and collected by the police Disposition of fines. court, and not otherwise appropriated by the general law of the state, shall be paid into the general fund of the city. The council shall provide a courtroom and courtroom accommodations, dockets, blanks and stationery.

*Violation of state laws.*

SEC. 107. Police officers of the city shall have authority Violation of state laws. and it shall be their duty to make arrests for all violations of any of the laws of the State of California.

## ARTICLE IX.

## PUBLIC UTILITIES.

*Ownership.*Ownership  
of public  
utilities.

SEC. 108. It is hereby declared to be the purpose and intention of the people of the city of Bakersfield that such public utilities as shall be deemed best for the interest of the people shall be acquired by purchase, condemnation or construction, and owned and operated by the city.

*Control and fixing of rates.*Fixing of  
rates.

SEC. 109. The power to control the operation of, and to fix rates to be charged by, public utilities shall be in the railroad commission of the State of California, or such commission or tribunal as may exercise the powers now vested in the railroad commission of California, until the electors shall, at a special election, vest said powers in the council.

*Plan submitted to voters.*Vote on  
acquisition  
of public  
utilities.

SEC. 110. The council shall, upon petition of electors equal in number to not less than thirty-five per cent of the votes cast at the last general municipal election, submit as separate questions, by ordinance, to the electors of the city, at any general municipal election thereof, a plan for the acquisition of one or more public utilities and its adoption and the issuance of bonds of the city for the payment thereof.

*Estimate of cost.*Estimate  
of cost.

SEC. 111. Before submitting for adoption any plan for the construction and establishment of a public utility, the council shall cause to be ascertained and made an estimate of the cost at which such public utility can be constructed or acquired.

*Contents of ordinance calling election.*Ordinance  
calling  
election.

SEC. 112. The ordinance calling such election shall contain a statement of the plan proposed for the acquisition of such public utility or utilities, naming the same, the estimated cost or price thereof, and shall otherwise conform to the provisions of this charter governing the calling and holding of elections for the incurring of bonded indebtedness, and the law for holding of elections therefor.

*Operation.*

Operation.

SEC. 113. In the event the city should acquire one or more public utilities, the operation of the same shall be under the supervision of the city manager.

*Property rights of city inalienable*Property  
rights  
of city.

SEC. 114. The rights of the city in and to its public buildings, streets, highways, public parks and all other public places owned or controlled, except as otherwise provided in this charter, are hereby declared inalienable and no franchise, permit or privilege granted shall be construed as carrying the right to cut, trim, break or destroy any shade, ornamental or other tree on or in the parking space of any street or public park.

*Granting franchise.*

SEC. 115. No franchise shall be granted by the council unless Franchises. as otherwise especially provided in this charter, but may be granted by the electors by ordinance passed by referendum vote at any general election, or at a special election, provided that no franchise shall be granted for a longer term than twenty-five years, and no exclusive franchise, permit or privilege shall be granted.

*Public utilities.*

SEC. 116. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article, except in so far as the holder thereof may be entitled to do so by direct authority of the constitution of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public property in the city, unless a grant therefor shall have been obtained in accordance with the provisions of this article. Grants of franchises according to law.

*Application for franchise.*

SEC. 117. An applicant for a franchise, permit or privilege, shall file with the council written application therefor which must state the character and purpose of the franchise, permit or privilege applied for, and if it be a street railroad, the route to be traversed. Said application shall be accompanied by a petition, signed by electors, equal in number to at least twenty per centum of the votes cast at the last preceding general election, asking that an ordinance granting the franchise be submitted to the vote of the electors of the city. Application for franchise.

*Advertisement.*

SEC. 118. The council, upon receipt of such application and petition as provided in the foregoing section, shall publish a notice of said application and petition in a daily newspaper of general circulation in the city, as often as said paper is published, for ten successive publications. Said notice must refer to the petition and application in full, and state the time prior to which, the place where and the person to whom, sealed bids for such franchise may be delivered, and the time and place the same will be opened and published, and that an ordinance will be submitted to a vote of the electors of the city, awarding the franchise, permit or privilege to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession, of the franchise, permit or privilege, provided that such percentage be not less than three per centum of the said gross annual receipts for the entire life of the franchise, permit or privilege. Advertisement.

*Bidding for franchise.*

SEC. 119. At the time of opening the sealed bids, any responsible person, firm, or corporation may bid for such franchise, permit or privilege not less than one half of one per Bids.

cent of the gross annual receipts for the entire term of the franchise, above the highest sealed bid therefor, and such bid so made may be raised not less than one half of one per cent of the gross annual receipts for such entire term by any other responsible bidder, and such bidding shall continue until there are no further bids. then the council shall submit, within not less than thirty days and not more than one hundred twenty days thereafter, to the electors an ordinance granting a franchise to the highest bidder in accordance with the application and petition.

*Division of receipts.*

Division of receipts.

SEC. 120. If the franchise, permit or privilege is for a street railroad which shall extend beyond the limits of the city of Bakersfield, then and in that case the percentage of the gross receipts above specified shall be fixed by ordinance.

*Deposit as guarantee of good faith.*

Guarantee deposit.

SEC. 121. Every applicant or bidder for franchise, permit or privilege under this article, shall deposit \$2,000.00 or a certified check therefor, payable to the city treasurer, certified to by some responsible bank, in Kern county, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege. All deposits made by unsuccessful bidders shall be returned. Deposit of the successful bidder shall be retained, until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, including the expense of a special election, where such special election was held for the purpose of granting the said franchise, shall be returned.

*Filing of bonds.*

Bonds.

SEC. 122. The grantee of any franchise, permit or privilege, shall file a bond running to the city, to be approved by the council, in the penal sum prescribed by the council, and set forth in the advertisements for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond; *provided, however,* that the legislative body of the city shall have power to waive action on the bond, and in lieu thereof, declare the franchise forfeited. In case such bond be not so filed, within thirty days after the result of the election awarding the franchise has been officially declared by the council,

the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited.

*Beginning and completion of work.*

SEC. 123. Construction work under any franchise, permit or privilege granted, in accordance with the terms of this article, shall be commenced in good faith, within not more than four months from the date of the taking effect of the ordinance, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, and if not so completed within said time, such franchise, permit or privilege shall be forfeited; *provided*, that if good cause be shown, the council may, by resolution, extend the time for completion thereof; *and provided, further*, that the limitations and provisions thereof, as to the time within which work shall be completed shall not apply to the extensions of service under franchises, permits, or privileges, other than for railroads, street railroads or interurban railroads.

Beginning and completion of work

*Service and accommodation.*

SEC. 124. The grant of every general municipal franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including the right to pass and enforce ordinances for the extension of service and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their safety, comfort and convenience. Nothing in this section shall be construed as conflicting with section 109 of this charter. All United States mail carriers, when in uniform, and all policemen and members of the fire department, while in actual discharge of their duties, shall be allowed to ride in all cars of street railroads within the boundaries of the city, without paying fare and with all rights of other passengers.

Service.

*Lease or assignment of franchise.*

SEC. 125. The council shall not pass an ordinance permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder, from the liabilities by the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Lease of franchise.

*Street paving.*

Street  
paving  
between  
car tracks.

SEC. 126. Every grant of any franchise, for a street or other railway, shall be subject to the conditions that person, firm, or corporation exercising or enjoying the same shall plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks or such railway, and two feet each side thereof, and between the tracks, if there be more than one, and keep the same in repair and flush with the surface of the street. Such street work must be done with such materials and in such manner as the council may by ordinance direct, at the same time and as part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the city manager.

*Examination of company's books.*

Examination  
of  
company's  
books.

SEC. 127. All ordinances granting franchise, permits, or privileges under this article, shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city shall have the right, at all reasonable times, to examine all the books, vouchers, records and other papers, of all holders exercising or enjoying any franchise, permit or privilege under this article. Refusal to keep said books, vouchers and records, in the manner provided above, or to produce the same at any reasonable time for examination, by the clerk, accountant, or other agents, appointed by the council, shall work a forfeiture of the said franchise, permit or privilege.

*Annual report of company.*

Annual  
report.

SEC. 128. Every holder, or operator, of any business under a franchise, permit or privilege granted under this article shall file annually with the city clerk, on such date as shall be fixed by the council, a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done under said franchise, permit or privilege, within the city for the year immediately preceding such report. Such report shall contain such further information as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege, for new construction, repairs and betterments during the year. The council shall have power to call for a special report, at any time covering any specific period.

*Books of records and reference.*

SEC. 129. The council shall provide and cause to be kept in the office of the city clerk a franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises, permits, or privileges granted by the city, the names of the grantees, and thereafter the name of any assignee or lessee thereof.

Franchise record book.

*Payment of gross receipt.*

SEC. 130. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege as set forth in the ordinance granting such franchise, permit or privilege, shall be paid annually by the holders thereof, at the time of filing the annual report provided for in this charter. Failure to pay such percentage shall work a forfeiture of the franchise.

Payment of percentage of gross receipts.

*Franchise for railroads other than street railroads.*

SEC. 131. Franchises, permits or privileges may be granted by the council, for the construction, maintenance and operation of railroads other than street railroads, along, upon, over, in, under or across any street or streets, or other public places in the city, upon petition therefor provided for street railroads, but no action shall be taken upon any such application or petition, until thirty days after the same has been filed. If within that time a petition is filed and signed by the electors of the city, equal in number to ten per centum, or more, of the total votes cast at the last general election, praying that the granting of said franchise be referred to a vote of the electors of the city, said application shall be so referred under same provisions governing the granting of franchise for street railroads.

Railroads other than street railroads.

*Franchises for siding and spurs.*

SEC. 132. Franchises for temporary spurs or side tracks may be granted for not more than one year by the council upon the same notice as provided in the foregoing section, and may be revoked when the purpose for which granted shall cease.

Sidings and spurs.

*Ice a public utility.*

SEC. 133. Ice being a necessity in the city of Bakersfield, the manufacture, sale and distribution thereof is hereby declared to be a public utility, and the city shall have and is hereby given the power to purchase or manufacture, and sell and distribute ice the same as any other public utility.

Ice a public utility.

## ARTICLE X.

## PUBLIC WORK AND SUPPLIES.

*Form of contracts.*

Contracts.

SEC. 134. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Bakersfield, by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

*Progressive payment of contracts.*

Progressive payment.

SEC. 135. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion and acceptance of the work.

*Public work to be done by contract.*

Done by contract.

SEC. 136. In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall state the proposed work to be done as provided by the council; *provided, however*, the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done under the direction of the city manager. In case no bid is received, the council may likewise provide for the work to be done under the direction of the city manager.

*Contracts for official advertising.*

Official advertising.

SEC. 137. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed bids therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder, publishing a daily newspaper in the city which is qualified under the laws of the State of California for the publication of official advertising; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

*Official newspaper.*

SEC. 138. The newspaper to which the award of such Newspaper. advertising is made shall be known and designated as the "official newspaper."

*Contracts for lighting.*

SEC. 139. No contract for lighting streets, public buildings, Lighting. places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

*Collusion with bidder.*

SEC. 140. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office. Collusion of city officer with bidder.

*Collusion by bidder.*

SEC. 141. If the person to whom a contract has been awarded has colluded with any other party or parties for the purpose of preventing any other bid being made, the contract so awarded shall be void. Collusion of bidders.

*Hours and minimum wages.*

SEC. 142. The time of service of any laborer, workman or mechanic employed upon any of the public works of the city, or upon work done for said city, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer, or agent of said city, or for any contractor or subcontractor doing work under contract upon any public work aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon any public, military or naval defenses or works in time of war. The minimum wage of any laborer, workman or mechanic, employed upon any public work, whether so employed directly by the city and its officers, or by contractor or subcontractor, or by any other person or persons, shall be three dollars for any one calendar day. Hours and wages of laborers.

*Penalty for violation.*

Penalty for  
violation of  
hours and  
wages  
section.

SEC. 143. Any officer or agent of the city of Bakersfield, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon work done for the city, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded, shall forfeit as a penalty, to the city, ten dollars, for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work done for the city, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours, or for less than the minimum wage of three dollars in violation of the provisions of this charter; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of this charter committed in the course of the execution of said contract, and to report the same to the representative of the city, party to the contract, authorized to pay said contractor moneys becoming due to him under said contract, and said representative, when making payments of moneys thus due, shall retain and withhold therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent or representative of the city, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both.

*Employment of citizens of Bakersfield.*

Employment  
of  
Bakersfield  
citizens.

SEC. 144. When laborers, workmen or mechanics, are employed upon any public work, whether so employed directly by the city and its officers, or by contractor or subcontractor, or by any other person or persons, such laborers, workmen or mechanics whenever possible must be qualified electors of the city, and married men must be given preference over unmarried men.

## ARTICLE XI.

## PUBLIC SCHOOLS.

*Membership.*

Board of  
education.

SEC. 145. The board of education shall consist of five members, elected at the general election on a general ticket from the city at large, arrangements shall be made so that voters residing within the limits of the Bakersfield school district and without the limits of the city of Bakersfield may vote for such school directors at such election

*Eligibility.*

SEC. 146. Members of the board of education and candidates therefor must be electors of the city of Bakersfield for three years next preceding nomination Eligibility.

*Term of office.*

SEC. 147. Members of the board of education shall hold office for a term of four years from and after the first day of May after their election and until their successors are elected or appointed and qualified, unless sooner removed by recall or otherwise; *provided*, that the members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot, that two shall serve for two years and three for four years. Term of office.

*The board of education.*

SEC. 148. The board of education shall have control and management of the public schools in the Bakersfield school district in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education. Powers.

*President of the board*

SEC. 149. The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. President.

*Meetings.*

SEC. 150. The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called. Meetings

*Quorum.*

SEC. 151. Three members of the board shall constitute a quorum and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from time to time and compel the attendance of absent members in such manner as the board may prescribe. Quorum

*Rules of proceedings.*

SEC. 152. The board of education may determine the rules of its proceedings Rules of proceedings.

*Meetings to be public.*

SEC. 153. All meetings of the board of education shall be public. Meetings public.

*Annual estimate of expenses.*

SEC. 154. The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the Estimate of expenses.

public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city, shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy.

*Record to be kept.*

Record of proceedings.

SEC. 155. The board of education shall keep a complete record of its proceedings and the same shall be open to the inspection of the public.

*Vacancies.*

Vacancies.

SEC. 156. Vacancies occurring in the board of education shall be filled by the board of education; *provided*, that in case such vacancy or vacancies are not filled within thirty days after date of occurrence, the council shall fill such vacancy or vacancies.

*Ex officio library board.*

Library board.

SEC. 157. The members of the board of education shall be ex officio members of, and shall constitute, the library trustees, and shall have the powers and duties prescribed by the council, unless herein otherwise given.

ARTICLE XII.

MISCELLANEOUS.

*Continuation of officers.*

Officers to continue until election.

SEC. 158. The board of trustees of the city of Bakersfield, under the present municipal government thereof, shall be and is hereby continued as such governing body, until the election and qualification of members of the council, under this charter. No officer, commissioner, head of department, clerk or employee, appointed before the members of the council elected at the first election have qualified, shall hold office, except at the pleasure of the council so elected.

*Validity of proceedings.*

Ordinances continued in force.

SEC. 159. All ordinances of the city, in force at the time this charter becomes effective, shall be and remain as valid ordinances of the city of Bakersfield, until amended or repealed.

Contracts, etc., not affected

SEC. 160. All proceedings, all contracts, all indebtedness and obligations of the city, existing at the time this charter takes effect, including the expense of compiling this charter and the election thereof, shall be in no way affected by the adoption of this charter or by the municipal government established thereunder; all official signatures and seals and all ministerial or executive acts of the proper officers of the city, prior to the taking effect of this charter, shall be valid; and all certificates acceptances and approvals or receipts of any officer under the preceding government, relating to or for anything prior to the taking effect of this charter, shall be valid.

SEC. 161. Whenever any municipal function or affair arises, <sup>When state law shall govern.</sup> for which no provision is made by this charter or ordinances, the law of the state applicable thereto shall govern. Any law of the state applicable may be made the law of the city by ordinance.

SEC. 162. The rules of construction and interpretation and the definition of words and phrases provided by the Political Code of the State of California, the Civil Code of the State of California, the Code of Civil Procedure of California and the Penal Code of California, shall be and are hereby made the rules of construction and interpretation and the definitions for this charter, except where otherwise provided herein. <sup>Interpretation.</sup>

SEC. 163. The following words have, in this charter, the <sup>Definitions.</sup> signification attached to them in this connection, unless otherwise apparent from the context:

The word "elector" shall mean electors under the election law of California, and whose names are in the current great register of the county of Kern, and who are entitled to vote in the precinct or ward where they reside.

"Council" shall mean the council of the city of Bakersfield as the governing body thereof.

"City" shall mean the city of Bakersfield.

SEC 164. Papers and petitions addressed to the council <sup>Petitions.</sup> shall be deemed presented when filed with the clerk.

*In witness whereof*, We have hereunto set our hands at the city of Bakersfield, county of Kern, State of California, this thirty-first day of August, 1914.

S. F. SMITH.  
 LOUIS V. OLCESE.  
 C. L. TAYLOR.  
 JOSEPH REDLICK.  
 GUS. SCHAMBLIN.  
 E. A. WHEELER.  
 H. E. METZNER.  
 W. G. HUDLOW.  
 E. B. DUNCAN.  
 A. G. LITTLE.  
 RAY STEVENSON.  
 W. A. STARR.  
 J. B. CRANDALL.  
 ELBERT E. McCLURE.  
 GEO. HAY.

(Endorsed) : Filed Sept. 3, 1914.

A. G. JONES, City Clerk.

Certificate

STATE OF CALIFORNIA,  
 County of Kern,  
 City of Bakersfield. } ss.

I, W. V. Matlack, president of the board of trustees of the city of Bakersfield, State of California, do hereby certify that I now am, and at all the times herein mentioned was, the duly elected, qualified and acting president of the board of trustees of said city; that S. F. Smith, Louis V. Olcese, C. L. Taylor, Joseph Redlick, Gus Schamblin, E. A. Wheeler, H. E. Metzger, W. G. Hudlow, E. B. Duncan, A. G. Little, Ray Stevenson, W. A. Starr, J. B. Crandall, Elbert E. McClure and Geo Hay, a majority of whose names appear signed to the foregoing proposed charter were, and each of them was on the 5th day of May, 1914, at a special election held in said city of Bakersfield on said day duly elected by the qualified voters of the said city as a board of freeholders to prepare and propose a charter for said city of Bakersfield; that each of said persons so elected was a freeholder and was at the time of said election and had been continuously for more than five years immediately prior thereto a qualified elector of said city of Bakersfield; that the foregoing is a full, true and correct copy of said charter prepared by said board of freeholders, and filed in the office of the city clerk of said city of Bakersfield on the 3rd day of September, 1914, and within 120 days after the result of said election was declared by the said board of trustees as required by section 3 of article XI of the constitution of this state; that said proposed charter was then published in the Bakersfield Californian, which at all times herein mentioned was, and now is a daily newspaper of general circulation, printed, published and circulated in said city of Bakersfield; that said proposed charter was published ten times in said newspaper on the following days of publication, to wit: September 17, 18, 19, 21, 22, 23, 24, 25, 26 and 28, 1914; that the first publication thereof was made on the 17th day of September, 1914, and within fifteen days after the filing of a copy of said charter as aforesaid in the office of the city clerk of said city of Bakersfield; that, as required by section 8 article XI of said constitution, a special election was held in said city not less than twenty days, nor more than forty days after the completion of the publication of said charter, to wit: on the 7th day of November, 1914, for the purpose of ratifying said proposed charter as a whole; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole. That the returns of said election were duly canvassed by the board of trustees of said city of Bakersfield on the 11th day of November, 1914, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter all provisions

of said section of the constitution and the laws of the State of California pertaining to the adoption of said charter have been fully complied with in every particular.

*In witness whereof*, I have hereunto set my hand and caused the corporate seal of the city of Bakersfield to be affixed this 2nd day of January, 1915.

W. V. MATLACK,  
President of the Board of Trustees  
of the City of Bakersfield.

Attest: A. G. JONES,  
[SEAL.] City Clerk of the City of Bakersfield.

AND WHEREAS, The said charter of the city of Bakersfield so ratified is now submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said charter of the said city of Bakersfield hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of the said city of Bakersfield be, and the same is, hereby approved as a whole for and as the charter of the said city of Bakersfield.

CHAPTER 5.

*Assembly Joint Resolution No. 3, accepting temporary jurisdiction over certain portions of the Presidio of San Francisco and Fort Mason military reservations of the United States during their occupancy by the Panama-Pacific International Exposition under certain grants from the secretary of war.*

[Filed with Secretary of State January 28, 1915.]

WHEREAS, On the 22d day of October, 1914, the president of the United States approved a joint resolution, theretofore adopted by the congress of the United States, ceding to the State of California temporary jurisdiction over certain lands in the presidio of San Francisco and Fort Mason (California) military reservations, which said joint resolution was as follows:

Resolution of Congress ceding to state temporary use of Presidio lands.

(Public Resolution—No. 57—63d Congress)  
(S. J. Res. 188.)

Joint resolution ceding to the State of California temporary jurisdiction over certain lands in the presidio of San Francisco and Fort Mason (California) military reservations.

Resolution  
of Congress  
ceding to  
state  
temporary  
use of  
Presidio  
lands.

Whereas the secretary of war was authorized by H. J. Res. 8, of February sixteenth, nineteen hundred twelve, to grant to the Panama-Pacific International Exposition company permission to occupy and utilize such portions of the presidio of San Francisco and Fort Mason military reservations for exposition purposes as he might designate; and

Whereas the secretary of war, under the authority in him vested by the said joint resolution, did by an instrument dated April twenty-second, nineteen hundred twelve, grant permission to the said company to occupy and utilize for the said purposes certain portions of the said military reservations, and did by an instrument dated April tenth, nineteen hundred fourteen, grant a like permission to the said company as to certain other portions of the said presidio military reservation; and

Whereas the United States now has exclusive jurisdiction over the said military reservations; and

Whereas it is desirable that the power to preserve order in all of the said portions of said reservations during their occupancy by the said Panama-Pacific International Exposition company be vested in the authorities of the State of California; therefore, be it

*Resolved by the senate and house of representatives of the United States of America in congress assembled*, That the United States hereby cedes to the State of California such jurisdiction over the said portions of the said military reservations as the said state now possesses elsewhere within its territory, such cession to be coextensive territorially with the said permits of April twenty-second, nineteen hundred twelve, and April tenth, nineteen hundred fourteen, and to terminate upon their expiration; *provided*, that jurisdiction to try and punish all crimes committed within said portions of said military reservations prior to the date that this cession becomes effective is reserved to the United States; *provided, further*, that the cession of jurisdiction made by this resolution shall not take effect until the same is accepted by the legislature of the State of California; *and provided, further*, that when the United States shall resume possession of the said lands or any part thereof, the jurisdiction herein ceded over lands so repossessed shall revert in the United States.

Approved, October 22, 1914.

WHEREAS, It is deemed for the best interest of the people of the State of California to accept the cession of jurisdiction as provided in said joint resolution; therefore, be it

*Resolved by the legislature of the State of California in its senate and assembly jointly*, That the State of California shall and does hereby accept the cession of jurisdiction over

State  
accepts.

those portions of the presidio of San Francisco and Fort Mason military reservations, permission to occupy and utilize which was granted by the secretary of war to the Panama-Pacific International Exposition by an instrument dated April twenty-second, nineteen hundred twelve, and by an instrument dated April tenth, nineteen hundred fourteen, such jurisdiction to terminate upon the expiration of said grants; *provided, however*, that jurisdiction to try and punish all crimes committed within said portions of said military reservations prior to the date that this cession becomes effective is reserved in the United States; *and, provided, further*, that when the United States shall resume possession of said lands, or any part thereof, the jurisdiction herein accepted over said lands so repossessed shall revert in the United States.

*Resolved, further*, That the secretary of state be, and he is hereby requested to transmit certified copies hereof, one each to the secretary of state and the secretary of war of the United States and two copies to the librarian of congress.

*Resolved, further*, That the acceptance of jurisdiction herein provided for shall take effect immediately.

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CHAPTER 6.

*Assembly Concurrent Resolution No. 8, relative to approving the charter of the city of Napa, county of Napa, State of California, voted for and ratified by the qualified voters of the said city of Napa at a special municipal election held therein for that purpose on the 16th day of December, 1914.*

[Filed with Secretary of State January 28, 1915 ]

WHEREAS, The city of Napa, a municipal corporation of the county of Napa, State of California, now is, and was at all the times herein mentioned, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 25th day of June, 1914, under and in accordance with the law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within one hundred and twenty days after the result of said election was declared, prepare and propose a charter for the government of said city of Napa; and

WHEREAS, Said charter was on the 27th day of October, 1914, signed in duplicate by a majority of said board of freeholders and was thereupon duly returned and filed, one copy

Napa  
charter

with the city clerk of said city of Napa, and the other copy with the county recorder of said county of Napa; and

WHEREAS, Said proposed charter was thereafter published eleven times in the Napa Daily Journal, a daily newspaper of general circulation, printed, published and circulated in the city of Napa, the first publication thereof having been made within fifteen days after the filing of the copy thereof as aforesaid in the office of the said city clerk; and

WHEREAS, Said proposed charter was, not less than twenty days nor more than forty days after the completion of said publication to wit: On the 16th day of December, 1914, submitted by the city council of the city of Napa to the qualified electors of said city at a special election duly called and held therein on said 16th day of December, 1914; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Napa, voting at said special election, voted in favor of said ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said city council, after canvassing the returns of said last mentioned special election duly found and declared that a majority of said qualified electors voting at said special election had voted for, and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

## CHARTER

*Of the city of Napa prepared and proposed by the board of frecholders elected June 25, A. D. 1911, in pursuance of the provisions of section 8, article XI, of the constitution of the State of California.*

### NAME AND RIGHTS OF THE CITY.

#### *Name of the city.*

Name.

SECTION 1. The corporation now existing and known as the city of Napa shall continue and be a body politic and corporate, and by that name shall be known, and as such shall have perpetual succession.

#### *Rights and liabilities.*

Rights.

SEC. 2. The city of Napa shall remain vested with, and continue to have, hold and enjoy all property, rights of property, and rights of action of every kind and description now pertaining to this municipality, and is hereby declared to be

the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. Liabilities.

*Boundaries.*

SEC. 3. The boundaries of the city of Napa shall be as follows: Commencing at a point formed by the intersection of the center line of Lincoln avenue with the western line of York (formerly Madison) street, as said streets are laid down and delineated upon a certain map entitled "Map of Spencer's Addition to Napa City," filed January 17th, 1872, in the office of the county recorder of Napa county, and running thence easterly, along the center line of said Lincoln avenue, to the center line of Trancas street; thence southerly, along the center line of Trancas street, to its intersection with the center line of Lawrence street; thence southeasterly, along the northwestern extension of the northeastern line of Lawrence street and along the said northeastern line of Lawrence street, to the northwestern line of Pearl street; thence at right angles northeasterly and along the aforesaid northwestern line of Pearl street to the center of Napa river; thence down the center of said Napa river to a point where the same is intersected by the northern line of Pearl street extended westerly, as said Pearl street is delineated on that certain map entitled "Map of part of East Napa, E. R. Sproul's Addition," filed September 7th, 1875, in the office of the county recorder of said Napa county; thence easterly, along said extended line of Pearl street and the north line of said Pearl street, to the most southern corner of block number twenty-one (21) of Sproul's Addition per map lastly hereinbefore referred to; thence northwesterly to the northwestern corner of said block number twenty-one (21); thence easterly, along the northern line of said block number twenty-one (21) and the extension thereof, to a point on the eastern line of the county road and on the western line of block number twenty-three (23) of Sproul's Addition, per map lastly hereinbefore referred to; thence southerly and southeasterly, following the eastern and northeastern line of said county road to the northwestern line of First street, as said First street is delineated on that certain map entitled "Map of the Subdivisions of Alta Heights Addition to the City of Napa," filed July 18th, 1906, in the office of the county recorder of said Napa county; thence easterly, along the northern line of First street and the extension thereof to the eastern line of East avenue, per said map lastly hereinbefore referred to; thence southerly and southwesterly, following the eastern and southeastern lines of said East avenue to the center line of the county road, some portions of which are sometimes known as Bell avenue; thence in a general southerly direction, following the center line of said county road, to a point where the same is intersected by the southern Boundaries.

**Boundaries.** boundary of "East Napa" extended easterly, as the said "East Napa" is delineated upon a certain map entitled "Map of East Napa" filed February 23rd, 1886, in the office of the county recorder of said Napa county; thence westerly, following the southern boundary line of said "East Napa" and the eastern and western extensions thereof, to the center of Napa river, thence down the center of said Napa river to the extension easterly of the southern boundary of "Napa Abajo" as the same is delineated upon that certain map entitled "Plan of the town of Napa Abajo, in Napa County" recorded April 22nd, 1857, in Liber D of Deeds, page 110, in the office of the county recorder of said Napa county; thence westerly, along the southern boundary of said "Napa Abajo" and the said extension thereof, to the southwestern corner of said "Napa Abajo" per map lastly hereinbefore referred to; thence northerly, along the western boundary of said "Napa Abajo," to the southeastern corner of a tract of land now or formerly belonging to one Eaton; thence westerly along the southern boundary of said lands now or formerly of said Eaton, and the extension thereof westerly, to the center of the southern extremity of Jefferson street; thence northerly, along the said center line of Jefferson street, sixty (60) feet, to a point where the same is intersected by the easterly extension of the northern line of the county road leading from Napa to Sonoma; thence westerly, along the said northern line of said county road and the aforesaid extension thereof, to the eastern line of Walnut street extended southerly, as said Walnut street is delineated on the map entitled "Map of West Napa," etc., filed September 20th, 1886, in the office of the county recorder of said Napa county; thence northerly, along the said eastern line of Walnut street and the extension thereof, to the southern line of Linn street, as said Linn street is delineated upon the map lastly hereinbefore referred to; thence easterly, along said southern line of Linn street, to a point where the same is intersected by the western line of block number fifty-nine (59) extended southerly, as said block number fifty-nine (59) is delineated upon that certain map entitled "Map of the Subdivisions of Blocks numbered 50 to 63 of the City of Napa, Cal." filed September 29th, 1905, in the office of the county recorder of said Napa county; thence northerly, following the said western line of said block number fifty-nine (59) and the northern and southern extensions thereof, to the northwestern corner of block number fifty-two (52) as said block is delineated on the map lastly hereinbefore referred to; thence easterly one hundred and seventy-four and  $\frac{5}{10}$  (174.5) feet to the northeastern corner of said block number fifty-two (52); thence in a direct line northerly, to a point in the center line of First street of the city of Napa where the same would be intersected by the extension southerly

of the western line of Munroe street, as said street is delineated on the map entitled "Map of Hogans-Patchetts & Piatts and Chandons Additions to Napa City" filed April 10th, 1873, in the office of the county recorder of said Napa county; thence westerly, along the center line of First street, to the western boundary line of "Piatts Addition" extended southerly, per map lastly hereinbefore referred to; thence northerly, following the western boundary line of said "Piatts Addition" and the northern and southern extensions thereof, to the center of Napa creek; thence in a general easterly direction, down the center of said Napa creek, to a point where the same is intersected by the western boundary line of "Spencer's Addition" per map firstly hereinbefore referred to and thence northerly, westerly and northerly, following the western, southern and western boundaries of said "Spencer's Addition" to the point of commencement.

Boundaries

*Powers of the city.*

SEC. 4. The city of Napa shall have and may exercise all powers which now are, or may hereafter be conferred upon municipalities by the constitution and laws of the State of California, and which it would be lawful for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in and by this charter shall be held to be exclusive.

Powers.

*Corporate powers, by whom exercised.*

SEC. 5. The corporate powers of the city of Napa shall be vested in a city council composed of a mayor and four councilmen. All the powers of the city, except as otherwise provided in this charter, are hereby vested in the city council, and except as otherwise prescribed herein, the city council may by ordinance prescribe the manner in which any power of the city may be exercised.

By whom exercised.

ELECTIVE OFFICERS.

*Who are.*

SEC. 6. The elective officers of the city of Napa shall be a mayor and four councilmen.

Elective officers.

*Officers elected at large.*

SEC. 7. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Elected at large.

*Term of office.*

SEC. 8. The terms of all elective officers shall be for five years, commencing on the first day of June, at twelve o'clock noon, succeeding their election and until their successors have qualified.

Term of office.

*When elected.*

How filled.

SEC. 9. Each office shall be filled by election at the general municipal election immediately preceding the date of the expiration of the term of said office, except at the first general municipal election under this charter.

*Qualifications of elective officers.*

Qualifications.

SEC. 10. No person shall be eligible to hold any elective office in the city of Napa unless he is a resident and has been an elector therein for a period of two years immediately preceding the date of such election, and he must continue a resident and elector of said city during the term of his office, and if he fails to so continue a resident and elector of said city, his office shall, by reason thereof, become vacant.

*Vacancy—what constitutes.*

Vacancies.

SEC. 11. A vacancy shall exist in any elective office when the person elected thereto fails to qualify within ten days after the issuance of a certificate of election; dies, resigns, ceases to be a resident of the city of Napa; absents himself continuously therefrom for a period of more than thirty days without permission of the city council; fails to attend the meetings of the city council for a like period without being excused therefrom by said body; is convicted of a felony; is judicially determined to be insane or an incompetent person; forfeits his office under the provisions of this charter; is removed from office by judicial proceedings, or when such vacancy is declared to exist therein in the manner in this charter provided.

*Vacancies in elective offices, how filled.*

How filled.

SEC. 12. In case of a vacancy in any elective office, however created, the same shall be filled by appointment made by the advisory board, and the appointee shall hold office until the first Monday of June following the next general municipal election thereafter, at which election a person shall be elected to serve for the remainder of such unexpired term.

*Oath of office.*

Oath of office.

SEC. 13. Every officer of the city of Napa, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this state and file the same with the city clerk.

*Official bonds.*

Official bonds.

SEC. 14. All officers, except the mayor, councilmen, members of the advisory board, members of the board of library trustees and city attorney, shall give bonds for the faithful performance of their duties, payable to the city of Napa, to be approved by the city council in such penal sum as shall have been prescribed by ordinance. If at any time, in the opinion of the city council, for any cause, such bonds shall become insufficient, it may require a new or additional bond to be given. The premium or charge for bonds given by surety companies for such officers shall be paid by the city.

*Salaries.*

SEC. 15. The members of the city council shall receive no compensation for their services, unless the qualified electors of the city of Napa shall, by initiative ordinance, provide therefor.

Salaries.

*Administering oaths, subpoenas.*

SEC. 16. Every officer of the city of Napa and every member of any board provided for in this charter, shall in all matters of, or pertaining to the city or its business have the power of administering oaths and affirmations, and the city council and every such board shall have the power to issue subpoenas to compel the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the city council or before any such board.

Administering oaths.

If any person so subpoenaed neglects or refuses to appear or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before the city council or before any board, or to answer any question which a majority of such city council or board shall decide to be proper and pertinent, he shall be deemed in contempt and the city council or any such board shall have power to take the proceedings in that behalf provided by the general laws of this state.

Neglect of subpoenaed person to appear.

The chief of police must on the request of the city council, or of any member of any such board, detail a police officer or police officers to serve such subpoena.

Service of subpoena.

ELECTIONS.

*General election.*

SEC 17 A municipal election shall be held in the city of Napa annually on the first Monday in the month of May and shall be known as the "General Municipal Election," and all other municipal elections which may be held by authority of this charter or by the constitution or laws of this state, shall be known as "Special Municipal Elections."

Time of elections.

*First election.*

SEC 18 At the first general election after the adoption of this charter, the mayor shall be elected for the full term of five years.

First election.

In order to distinguish the councilmen for the purpose of elections, they shall be classified and known under this charter as first councilman; second councilman; third councilman; and fourth councilman, and the persons elected to fill such respective classifications shall be determined at said first election in the following manner: The person receiving the highest number of votes as ascertained by the counting of the votes necessary to his election under the preferential system, as hereinafter provided, shall be first councilman, and shall be elected to hold and fill the said office for the short term of four years; the person receiving the second highest vote, so ascertained, shall be second councilman, and shall be elected to hold and fill the said office

Classification of councilmen

for the short term of three years; the person receiving the third highest vote, so ascertained, shall be third councilman, and shall be elected to hold and fill the said office for the short term of two years, and the person elected receiving the fourth highest number of votes, so ascertained, shall be fourth councilman, and shall be elected to hold and fill said office for the short term of one year.

*Manner of electing for long and short terms*

Manner of electing.

SEC. 19. In case of the election of councilman, after the first general election, where a full term and one or more unexpired terms are to be filled, the person elected under the preferential system, hereinafter provided, who shall receive the highest number of first choice votes, shall be elected for the full term of five years, and the person so elected who shall receive the second highest number of first choice votes shall be elected to fill the unexpired term next longest, in point of duration, and so on, in like manner, shall each unexpired term longest in point of duration, be filled in the successive order of the highest first choice vote, as the case may be.

*Precinct defined.*

Precinct defined

SEC. 20 The word "precinct," as used in this charter, shall include and embrace "consolidated precincts" or any subdivisions now, or hereafter created by the laws of this state, designating the election subdivisions of the city for the purpose of elections.

*Consolidation of precincts.*

Consolidation of precincts

SEC. 21. The city council may assign any number of precincts to any one polling place, and the qualified voters in said precincts shall have the right to vote at the polling place to which the precincts have been assigned.

*Defining last and present registration and qualified elector.*

"Last registration."

SEC. 22 As each succeeding registration of voters may, under the laws of this state, now, or hereafter in force, be cancelled, or made to close, and a new registration is required, the registration so cancelled, or made to close, as distinguished from the new registration in progress, shall in this charter be known and referred to as the "last registration"; and the new registration made or in progress, shall in this charter be known and referred to as the "present registration."

"Present registration"

"Qualified elector."

The term "qualified elector," as used in this charter, means an elector qualified to vote at a municipal election whose name appears on the register as prescribed by sections 23 and 24 of this charter.

*Register to be used.*

Register to be used.

SEC. 23. The register used at all elections under this charter shall consist of the original affidavits, or such other requirements of registration as may hereafter be provided by the laws of the State of California, shown upon the "present registration" when such election shall be held at any time between any

biennial general state election held under the laws of the State of California, other than primary elections, and the cancellation, or closing of such "present registration," thereafter, and at all other times such register shall consist of the original affidavits, or other such requirements of registration as may hereafter be required by the laws of the State of California, which are shown on the "last registration" together with such original affidavits, or such other requirements, made and in progress under the then "present registration" up to within thirty (30) days immediately preceding the election to be held.

*Duplication of registration.*

SEC. 24. When the "last registration" and the "present registration" shall both be used, as heretofore provided, and a duplication of names, or identity of persons, shall be shown, the registration of the "present registration," and such evidences as relate thereto, only, shall be used in determining such names or persons, and their right to vote at such election.

Duplication of registration.

*City register.*

SEC. 25. For assisting in city elections the city council may require the city clerk to keep prepared a city register, consisting of the names of voters registered in the county clerk's office, which shall be complete at each election up to thirty (30) days immediately preceding the same, and which shall include a list of all the voters qualified to vote thereat

City register.

*Form of register.*

SEC. 26. Such register may be printed, typewritten, or otherwise prepared, according to the order of the city council, and the city council may adopt, as a part of such register, the last printed index, or supplement thereto, or both, furnished by the county clerk for state elections, in which case the one prepared by the city clerk shall be supplemental up to within thirty (30) days immediately preceding such election. Such register shall preserve therein the precinct, showing the name, residence and number of the voter, or such other form as the city council may prescribe.

Form of register.

*Purging register.*

SEC. 27. Such register shall be purged from time to time in the manner provided by law for the purging of the registration by the county clerk.

Purging register.

*Use of register.*

SEC. 28. The election officers at each polling place shall be furnished with as many registers as shall provide five lists of registered voters of each precinct to be used thereat.

Number of registers furnished

*Evidence.*

SEC. 29. In case the primary evidence of registration in the county clerk's office shall not be available at any municipal election, the city register may be used in lieu thereof.

When city register may be used.

*Cancellation of register.*Cancellation  
of register.

SEC. 30. Such register shall, from time to time, as the city council may direct, be cancelled and a new one prepared in lieu thereof.

*Candidates.*

Candidates.

SEC. 31. Any qualified elector of the city of Napa eligible to hold an elective office therein, may become a candidate for any elective office at any general municipal election in either of the following ways:

Statement  
of  
intention.

*First*—By filing with the city clerk not less than twenty-five nor more than sixty days next immediately prior to the day of holding said election, a written statement that he intends to be a candidate for such office

Nomination  
proposal.

*Second*—By filing with the city clerk not less than thirty nor more than sixty days next immediately prior to the day of said election of a proposal of nomination, in writing, signed by at least twenty-five and not more than one hundred qualified electors of the city, proposing the name of any such qualified elector as a candidate for the office named therein

Copy  
forwarded  
to person

Upon the filing of said proposal the city clerk shall, within five days thereafter, forward a copy thereof to the person whose name is proposed, together with a notice that the same has been filed and that unless within five days thereafter the person so named declines in writing to be a candidate, that his name will be printed upon the official ballot as a candidate for said office. If within said period of five days after the giving of said notice said proposal is not declined, in writing, and filed with the city clerk by said person, he shall be a candidate therefor.

*Withdrawal of candidates.*Withdrawal  
of  
candidates.

SEC. 32. Any person whose name has been presented as a candidate or who has filed notice of his intention to be a candidate, as prescribed in this charter, may, not later than twenty days before the day of election, cause his name to be withdrawn as such candidate by filing with the city clerk a verified request in writing therefor, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other qualified persons may become candidates upon filing the statement of intention or proposal of nomination, prescribed in this charter, not less than fifteen days next immediately prior to such election, the proposal of such nomination being, however, accompanied by the acceptance of the same in writing by the person so proposed.

*Election proclamation.*Election  
proclama-  
tion

SEC. 33. Immediately after the close of nominations, the city clerk shall enter the names of the candidates in a list with the offices to be filled, and shall not later than twelve days before the election, certify such list to the city council, which shall cause said certified list of names and the offices to be filled to be published in the proclamation calling the election at

least five successive days before the election in one or more daily newspapers of general circulation published in the city of Napa. Said election proclamation shall contain a statement of the time of election, the offices to be filled and the list of names of the candidates therefor, and shall be signed by the mayor and attested by the city clerk.

In case of special elections a like proclamation showing the purposes thereof shall be issued and published in like manner.

*Requirement of ballots.*

SEC. 34. The city council shall have general charge of all <sup>Ballots</sup> municipal elections, and shall provide and have printed at least five days immediately preceding any general or special municipal election the ballots to be voted thereat, without designation of party lines, of uniform size, quality and color of paper, kind of type and color of ink; with the names of all candidates printed thereon with the same kind and size of type and color of ink contained in books with stubs having a perforated line so that the ballots may be separated from the stubs for voting. The stub and ballot shall each have a corresponding number printed or stamped thereon, the number on the ballot being so placed as to appear on the outside when the ballot is folded for voting, and no other ballots shall be voted at such elections.

Each book shall consist of some multiple of ten and the num- <sup>Books.</sup> bers shall be consecutive from one to as many as there are ballots, and the names of the candidates thereon shall be printed in rotation so that each candidate for any given office shall in turn occupy each position thereon in numerical order, practically equal to the number of candidates for such office.

*Form of ballots.*

SEC. 35. All ballots shall be substantially in the following <sup>Form of ballots.</sup> form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF NAPA.  
(Insert date thereof.)

*Instructions to voters.* To vote, stamp a cross (X) opposite the name of the candidate for whom you desire to vote. Vote your first choice in the first column, your second choice in the second column and any other choice or choices in the third column. Vote only one first and only one second choice and do not vote more than one choice for any one person as only one choice will count for any candidate by this ballot. All distinguishing marks make this ballot void. If you wrongly mark, tear or deface this ballot, return it and obtain another.

*Arrangement of ballots.*

SEC 36. The ballots shall be arranged with proper head- <sup>Arrange- ment of ballots</sup> ings above each office or classification of offices, showing the same, the number to be voted for for each office or classification, the names of the candidates therefor arranged in alphabetical order, with sufficient voting squares opposite each name,

properly designated "first choice," "second choice" and "third choice" for the several choices provided for in this charter, and with blank line or lines left below the printed names of candidates for each office to be voted for, equal to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote. If there are any charter amendments or other questions to be voted upon at such election, a column shall be provided on the right hand side of the ballot therefor.

*Sample ballots.*

Sample  
ballots.

SEC. 37. At least three and not to exceed ten days immediately preceding any municipal election, the clerk shall mail to each of the registered voters, entitled to vote thereat, a sample ballot, to be voted at such election, and no matter, not official, shall be mailed therewith.

*Election supplies.*

Election  
supplies

SEC. 38. The city council shall furnish for each polling place all the things required for a proper conduct of the election, counting of votes and returning of result.

*Officers of elections and polling places.*

Officers of  
elections  
and  
polling  
places.

SEC. 39. The city council shall appoint such officers as it shall deem necessary to conduct any election; fix the compensation of each, and designate the number and location of polling places, according as public convenience may require.

*Preferential voting.*

Preferential  
voting

SEC. 40. Voting for elective offices shall be by the preferential system, that is to say: for each office to be filled at any election the voter may designate one first, one second and as many for his third choice as he may desire by stamping a "X" in the proper square designating such choice, and in case there be more than one councilman to be elected he may express his several choices for each of such offices.

*Duties of election officers.*

Duties of  
election  
officers.

SEC. 41. It shall be the duty of the election officers to conduct the election, to receive and count the ballots cast thereat, and to make immediate returns thereof to the city clerk upon the tally lists, or papers provided for that purpose.

*Counting ballots.*

Counting  
ballots.

SEC. 42. In counting ballots the first, second and third choice for each candidate shall be separately tallied and accredited to the candidate receiving them.

*Rejecting votes.*

Rejecting  
votes

SEC. 43. Should the elector express any of said several choices for more candidates than there are offices to be filled in that particular classification, said choices, so expressed, shall not be counted, and should he express more than one of said several choices for any one candidate, only the first one of said choices, so expressed, shall be counted.

*Canvass of returns.*

SEC. 44. The city council, at its next regular meeting, shall canvass the returns of said election by totaling the first choice votes for each candidate, and the candidate receiving the largest number of said first choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected to that office. If no candidate shall receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by each candidate and the said second choice votes shall then be added to the first choice votes received by each candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto. If no candidates shall receive such a majority after adding the first and second choice votes, then a canvass shall be made of the third choice votes received by each candidate and said third choice votes shall then be added to the first and second choice votes received by each candidate, and the candidate receiving the highest number of first, second and third choice votes shall be elected thereto.

Canvass of returns.

*Tie votes.*

SEC. 45. In case of two or more candidates receiving an equal and sufficient number of votes to elect to any office, such election shall be determined in favor of the successful candidate receiving the highest number of first choice votes for such office, and in case such candidate shall receive an equal number of first choice votes for such office, or in case the first choice votes are to determine the question of priority, as provided in sections 18 and 19, and such candidates shall receive an equal number of first choice votes, such election or priority shall be determined in favor of the person who shall receive the greatest number of third choice votes for such office.

Tie votes.

The unsuccessful candidate in such method of determining a tie vote shall, however, in the plan of electing candidates where there is more than one such office to be filled, be deemed to have received the highest vote cast for said office next succeeding the successful candidate, and so on with each succeeding highest vote shall all ties for said office be determined, and the candidate shall be entitled to the vote received by him in the order of such determination.

When more than one office

If the successful candidate for any office can not be determined by the method heretofore provided, then the same shall be determined by lot, conducted by the city council.

When determined by lot.

*Informalities in elections.*

SEC. 46. No informalities in conducting any municipal election shall invalidate the same if it appear that such election has been conducted fairly and in substantial conformity with the requirements of this charter, and the laws of this state made applicable thereto.

Informalities in elections.

*General election regulations.*

When state laws govern.

SEC. 47. The provisions of the laws of the State of California relating to the qualifications of electors, and to elections, not fully provided for in this charter, nor inconsistent therewith, or repugnant thereto, which can be made applicable, shall govern all municipal elections.

*Additional regulations by ordinance.*

Additional regulations.

SEC. 48. The city council may provide by ordinance such further regulations concerning the conduct and management of elections, counting of votes and making returns as may be further required to carry out the plan and system of voting provided by this charter.

DECLARING VACANCY.

*Request for petition.*

Request for petition.

SEC. 49. At any time, not less than sixty nor more than one hundred and eighty days prior to any general municipal election, not less than five nor more than ten qualified electors of the city of Napa may file with the city clerk a written request that a petition may be opened for signatures for declaring that a vacancy shall occur in the office of one or more of the elective offices of the city of Napa. Said request shall be verified by the affidavit of one of the signers thereto that all of the signatures thereto are genuine.

*Form of petition.*

Form of petition.

SEC. 50. It shall be the duty of the city clerk, upon receiving and filing such request, prepared, signed and verified as aforesaid, to prepare as many copies of the petition, as shall be necessary for the required number of signatures, as hereinafter provided, each headed substantially as follows:

PETITION TO DECLARE VACANCY.

“We, the undersigned electors of the city of Napa, hereby request that a vacancy be declared in the office of (mayor, first councilman, second councilman, etc., or for any or all of said councilmen, as the case may be), and if this petition be signed by less than sixty per cent of the whole number of the electors registered up to the third Monday of March next ensuing, but equal to or exceeding twenty-five per cent of such registered electors, that there be submitted to the electors at the next general municipal election the proposition of declaring a vacancy to exist therein.”

Signed.

Name	Dated	Precinct

*Signing of petition.*

SEC. 51. The city clerk shall thereupon place said petition in a conspicuous place in his office, accessible to the public, and shall provide a convenient place therein where the qualified electors may, without interference or interruption, sign said petition and shall forthwith declare the said petition open for signing. He shall at all times thereafter keep the same in his office, and open for signatures during office hours until the third Monday in March, preceding the day of holding such next general municipal election at the hour of five o'clock p. m. thereon, when he shall declare the signing thereof closed; and immediately bind said petition together, and file the same in his office.

Signing of petition.

*Soliciting prohibited.*

SEC. 52. No person shall solicit for signers to said petition within the office of the city clerk, and said petition shall not in any manner or for any purpose be circulated or removed from said office, and it shall be unlawful for any person to sign the same except at said office.

Soliciting prohibited.

*Certificate of city clerk.*

SEC. 53. Within ten days after the signing of such petition has been declared closed, the city clerk shall examine and ascertain from the records of registration whether or not said petition is signed by any electors not qualified to sign the same and shall thereupon attach to said petition his certificate showing the result of his said examination and also setting forth the whole number of the electors within the city of Napa registered up to the third Monday in March, the per centum of qualified electors who have signed the said petition, and shall present the same to the city council at the next regular meeting thereof.

Certificate of city clerk

*Canvass by city council.*

SEC. 54. The city council shall, at its next regular meeting, canvass the said petition and if it appears that it is signed by electors, registered and qualified to vote at the next general municipal election equal to or exceeding sixty per centum of the whole number of electors within the city of Napa registered up to the third Monday of March, the office or offices therein sought to be declared vacant shall, without further proceedings of any kind, become vacant, but if it appears that said petition is signed by a less number than sixty per centum, but a number equal or exceeding twenty-five per centum, of such registered electors, the city council shall thereupon direct that the question of determining whether such vacancy shall exist be submitted to the electors, at the next general municipal election. If it appears that a less number than twenty-five per centum of such registered electors have signed said petition no further action shall be had or taken thereon.

Canvass by city council

*Submission of question.*Submission  
of  
question

SEC. 55. Whenever the city council shall direct the submission of the question of determining whether such vacancy shall exist, the city clerk shall place said question on the ballots at such general municipal election in substantially the following form: "Shall a vacancy be declared in the office of (naming the office) Yes" "Shall a vacancy be declared in the office of (naming the office) No."

*Canvass of returns.*Canvass of  
returns.

SEC. 56. The result of such submission shall be returned by the board of election, with the general election returns and canvass therewith by the city council and if a majority of the electors voting at said election shall vote in favor of declaring a vacancy or vacancies in such office or offices, the city council shall thereupon declare, and there shall thereupon occur a vacancy or vacancies therein, to be filled as in this charter provided for filling vacancies; *provided*, that the incumbent in such office so declared vacant, shall not be eligible for appointment to fill any of the offices so declared vacant, but this disqualification shall not render such person ineligible to be or become a candidate at any election either to fill the unexpired term of said office or for a full term.

## THE MAYOR.

*Expert.*Expert  
accountant.

SEC. 57. It shall be the duty of the mayor to employ annually, in the month of March, an expert accountant to examine all the books and accounts of the city and said expert shall report, in writing, the result of such examination to the city council.

*Counting cash.*Counting  
cash

SEC. 58. The mayor together with the city attorney and the city auditor, at least once a month, shall count the cash in the treasury and thereupon make a report in writing of the result of such count to the city council.

*Public functions.*Public  
functions.

SEC. 59. The mayor shall represent the city at all public functions.

## THE CITY COUNCIL.

*Meetings.*

Meetings.

SEC. 60. At twelve o'clock noon on the first Monday in June following a general municipal election, the city council shall meet at the usual place for holding its meetings, at which time any newly elected mayor, or councilman shall assume the duties of his office. Thereafter the city council shall meet at such times and places as may be prescribed by ordinance or resolution except that it shall meet regularly at least once a week. The city council shall prescribe the manner in which special meetings may be called; *provided*, *however*, that no final action shall be taken in any matter

concerning the department of an absent councilman unless such business has been made a special order of the day by action at a previous meeting of the city council or such action is taken at a regular meeting of the city council.

At all meetings of the city council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the city council previously by ordinance may have prescribed. The mayor shall preside at all meetings of the city council and shall be entitled to vote upon all matters coming before the council. In the absence of the mayor at any meeting of the city council, if three members be present, they may choose one of their number as mayor pro tem., and if by reason of absence from the city, sickness or any other cause, the mayor is unable to perform the duties of his office, the city council shall appoint one of their number mayor pro tem. who shall have all the power and authority which the mayor would have possessed if personally present to attend such duties

*Rules and records.*

SEC. 61. The city council shall determine its own rules and order of business and shall keep a journal of its proceedings in which shall be entered the "Ayes" and "Noes" on every question acted upon by it

*Ordinances.*

SEC. 62. Each proposed ordinance shall be introduced in written or printed form. No ordinance, unless it be an emergency measure, adopted by an affirmative vote of four of the members of the city council, shall be passed until it has been read at two regular meetings.

An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety; or one providing for the usual daily operation of a municipal department in which an emergency is set forth and defined in a preamble thereto.

*Enacting clause of ordinances.*

SEC. 63. The enacting clause of all ordinances passed by the city council shall be: "Be it ordained by the city council of the city of Napa as follows:". The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the city of Napa as follows:".

*When ordinances take effect.*

SEC. 64. All ordinances passed by the city council shall be in effect from and after ten days from the date of their passage, except as otherwise in this charter provided.

*Recording and publication of ordinances.*

SEC. 65. Every ordinance upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the mayor and the city clerk. Every

ordinance of a general or permanent nature adopted by the city council shall be published once within ten days after its final passage in the manner herein provided. Said publication of said ordinance, as well as all other newspaper publications made by the city, shall be made in a newspaper or newspapers of general circulation in the municipality published therein, in the body type of the paper, and under headlines in eighteen point type, specifying the nature of the publication; and where legally permissible, such publication shall be made but once, and in one newspaper only.

Rates for  
publishing

The newspaper carrying such publication shall be paid a price per inch of space used, and the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisers for the quantity of space used. Whenever it may appear to the city council that the rates offered by such newspapers are unfair, such other means of securing due publicity may be employed in lieu of newspaper advertising as the city council may by resolution determine.

*Financial reports.*

Financial  
reports.

SEC. 66. Annually in the month of April the city council shall publish a report of the financial proceedings of the city for the preceding fiscal year, and a copy thereof shall be mailed to each elector of the city with the sample ballot for the succeeding general municipal election.

*Improvement on streets.*

Improvement  
on streets

SEC. 67. Except as otherwise, in this charter, or by ordinance of the city, provided the general laws of the State of California, now in force, or which may hereafter be adopted by the legislature of this state, relative to the improvement of and work upon streets, lanes, alleys, courts, places and sidewalks, including the establishment of and change of the grade thereof; the construction of sewers, water, storm water or other mains, ditches, pipes or conduits therein; the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any thereof; the condemning and acquiring any or all land necessary and convenient therefor; the planting, maintenance and care of shade trees upon or along the same, and of hedges upon the lines thereof; the eradication of weeds within the city and the cleaning of weeds, grass, dirt, rubbish and rank growths from the streets and sidewalks therein, or any other work or improvement upon the same; the levying and collecting of assessments upon property for doing such improvement, or work, or carrying out all or any of such purposes, and for the issue of improvement bonds to represent such assessment, shall govern and control and all proceedings shall be in conformity therewith.

*Exceptions to general street laws.*

Exceptions  
to general  
street laws

SEC. 68. Whenever a sewer is ordered constructed, the city of Napa shall pay all the costs thereof over fifty cents per lineal foot of the lots and lands fronting on such sewer.

The duties of commissioners, secretaries and attorneys under the general law in the matter of opening, extending, widening, straightening or closing streets, lanes, alleys, courts or places, and of such commissioners, secretaries and attorneys, under the general law in the matter of the establishment or change of grade, or of any other commissioners, secretaries or attorneys provided for by such general street law, shall be performed under the direction of the councilman in charge of the department of streets and public improvement and the city attorney, neither of whom shall receive compensation therefor.

*Eminent domain.*

SEC. 69. In all matters where the right of eminent domain is conferred by the laws of the State of California, the city of Napa is hereby vested with said right, to be exercised, in conformity to said laws, whether the property affected is within or without the corporate limits of said city of Napa.

Eminent domain.

*Bonded indebtedness.*

SEC. 70. Whenever the city council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement or other works, property or structures necessary or convenient to carry out the objects, purposes, or powers of the municipality, the costs of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, the city of Napa may incur a bonded indebtedness therefor; and the general laws of the State of California relative to the procedure for authorizing the incurring of such bonded indebtedness and for the issuance and redemption of such bonds now in force, or which may hereafter be adopted, shall govern and control and all proceedings shall be in conformity therewith.

Bonded indebtedness.

*Creating certain liens.*

SEC. 71. Whenever the owner or occupant of any land or building shall be required to remove weeds, grass, rank growths, dirt, or debris, from any such lands or buildings, or from the street in front thereof; or to remove from such lands or buildings garbage, ashes, animal and vegetable refuse, dead animals, animal offal, waste or other offensive matter; standing pools of water or anything injurious to health, in such manner and at such times and under such notice as the city council, by ordinance, shall prescribe, and such owner or occupant shall fail so to do, the city of Napa may remove the same or cause the removal thereof and the expense incurred therein shall become a lien upon said lands; or whenever the city of Napa shall furnish, supply or provide water, gas, electric power or electric current, or any commodity, service or accommodation to any owner or occupant of any land or building for use thereon or therein, or connected therewith, the charge therefor shall be and become a lien upon such land. All such liens shall be prior to all other liens, incumbrances, or exemptions, except

Creating certain liens.

state and county taxes, having the force and effect of a tax lien, and may be enforced in such manner as shall be prescribed by ordinance.

*Advisory board*

Advisory  
board

SEC. 72. The city council, at its first meeting in June of each year, shall appoint from the qualified electors of the city an advisory board of fifteen members. The members of said board shall serve without compensation for a term ending on the first Monday in June thereafter, and until their successors are appointed and qualified, and their duties shall be to consult with and advise the said city council, board of library trustees and heads of departments, and make written recommendations which shall become a part of the records of the city. Said advisory board shall be, and is hereby vested with the power to fill vacancies occurring in the city council.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

*The five municipal departments.*

Municipal  
departments.

SEC. 73. The executive and administrative powers, authority and duties of the city, not otherwise in this charter provided for, shall be distributed among five departments as follows:

1. Department of public affairs and order.
2. Department of revenue and finance.
3. Department of streets and public improvement.
4. Department of public buildings, parks and utilities.
5. Department of public health and safety.

*Assignment of departments.*

Assignment  
of  
departments.

SEC. 74. The city council shall at its first meeting in the month of June of each year, assign one of the departments named in the preceding section to each councilman, the department of public affairs and order, however, shall always be assigned to the mayor. Should the city council be unable to agree in the assignment of the other four of said departments as herein provided, then it shall be the duty of the mayor to assign each of said departments to a councilman and upon such assignment being made by the mayor, the councilman so appointed shall be and become the head of said department and responsible for all matters belonging to said department. The city council may change such assignments, except that of the department of public affairs and order, whenever it shall determine that the public service requires such change.

*Appointive officers.*

Appointive  
officers.

SEC. 75. The appointive officers of the city of Napa shall be a city treasurer, a city assessor, a city collector, a city clerk, a city attorney, a police judge, a city auditor, and a city engineer, all of whom shall be appointed by and hold office at the pleasure of the city council; a city superintendent of streets and such other officers as the city council may from time to

time designate by ordinance, to be appointed and hold office in the manner in this charter provided. Upon their appointment and qualification, each of said officers shall become and remain a resident of the city of Napa during the time he is such officer.

*Powers of heads of departments.*

SEC. 76. The mayor or councilman, as the case may be, in charge of the department to which he is assigned, shall have the supervision and control of all the affairs and property belonging to such department, except as otherwise provided in this charter, subject to such rules and regulations as may be prescribed by the city council. The head of each department shall appoint such officers and employees in his department as in the judgment of the city council the needs of the service may require, who shall serve at the pleasure of the head of said department, subject to removal upon the vote of three councilmen. The city council shall, by ordinance, determine the number of officers and employees in each of the several departments, prescribe the powers, duties and qualifications of all such officers and employees and may assign any such officers or employees to two or more departments or require an officer or employee to perform duties in two or more departments

Powers of heads of departments.

*Consolidation of offices.*

SEC. 77. The city council shall have the power of consolidating any two or more appointive offices; *provided, however,* that the office of city auditor shall not be consolidated with any office receiving, holding or expending city funds.

Consolidation of offices.

*Financial settlements.*

SEC. 78. Every officer collecting or receiving any money belonging to, or for the use of the city of Napa, shall, on or before the first Monday in each month, or at more frequent intervals if directed by the city council, settle for the same with the city auditor, and immediately thereafter pay the same into the treasury on the order of the city auditor, and no warrant for said officer's salary shall be drawn by the city auditor until such payment is made.

Financial settlements.

*Compensation of officers and employees.*

SEC. 79. The city council shall fix the compensation of all officers and employees, except as in this charter otherwise provided, and no officer or employee shall be allowed any fee, perquisite, emolument, reward or compensation aside from the salary or compensation as fixed by the city council, and all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Compensation of officers and employees.

*Powers of department of public affairs and order.*

SEC. 80. The department of public affairs and order shall have charge of and represent the city in all matters in which the city is brought into relations with the government of the

Powers of department of public affairs and order.

United States of America, states, counties or municipalities, and shall include within its powers, full and complete charge and control of the police department, the preservation of public order and decorum and the enforcement of all ordinances of the city.

*Powers of the department of revenue and finance.*

Powers of  
the  
department  
of revenue  
and  
finance

SEC. 81. The department of revenue and finance shall have supervision of all financial matters of the city, including the recommendation to the city council of a budget; the examination of and recommendation of all claims presented against the city; the full supervision over the assessment and collection of revenue and taxes; the purchase of supplies; public printing, and shall have general supervision of all other financial matters not otherwise provided for in this charter.

*Powers of the department of streets and public improvement.*

Powers of  
the  
department  
of streets  
and public  
improvement

SEC. 82. The department of streets and public improvement shall have supervision over all work done on streets and sewers; the laying of pipes and conduits; the erection of poles; the construction of tracks, and all other work, constructions and installations placed under, upon or above streets, including the construction, maintenance and repairs of all streets, sidewalks and sewers; the lighting, cleaning, sprinkling, oiling and paving of streets and sidewalks, and also the construction, maintenance and repair of all bridges, culverts, wharves and docks

*Powers of department of public buildings, parks and utilities.*

Powers of  
department  
of public  
buildings,  
parks and  
utilities

SEC. 83. The department of public buildings, parks and utilities shall have supervision over the construction, maintenance, repair and management of all public buildings; the laying out, maintenance and management of all public parks; the construction, operation, maintenance and management of all public utilities owned by the city, and the supervision and regulation of all utilities not owned by the city.

*Powers of the department of public health and safety.*

Powers of  
the  
department  
of public  
health and  
safety.

SEC. 84. The department of public health and safety shall have the supervision over the health department of the city and of the enforcement of quarantine and all other health regulations, including the inspection of milk, water, meats, foods and animals; and of the disposal of garbage.

This department shall also have supervision over the fire department, with the duty to inspect buildings and enforce building regulations; enforce regulations for plumbing, electric and other wiring; inspect and enforce regulations respecting all public halls, theaters and other public places, and shall enforce all regulations respecting the handling and storage of explosives, and exercise complete supervision over all fire preventative and relief matters. This department shall have charge of and supervise the enforcement of all regulations of weights and measures, and shall exercise full and complete

control over sanitation and sewage; the inspection, placing and supervision of fire hydrants; the abatement of nuisances of every description, and shall exercise and have entire supervision over public pound.

*Redistribution of powers, authority or duties.*

SEC. 85. The city council may, by ordinance, change any of such designations or the distribution of any such powers, authority or duties, except that distributed to the department of public affairs and order, or transfer any of such powers, authority or duties from any of such departments, except from the department of public affairs and order, to another department, or distribute additional powers, authority and duties of any of such departments whenever it shall determine that the public service requires such change or transfer; and may make such rules and regulations not inconsistent with the provisions of this charter as in its judgment may be necessary or convenient for the efficient and economical conduct of the business of the city.

Redistribution of powers, authority or duties.

*City manager.*

SEC. 86. Nothing contained in this charter shall be construed as preventing the electors of the city of Napa from vesting, and said electors may at any general municipal election thereof, by initiative ordinance adopted by a majority of all the votes cast at said election, vest in a city manager all the powers, authority and duties assigned to the mayor and councilmen as the heads of said departments, said ordinances to provide, however, that said city manager shall be appointed by, serve at the pleasure of, and under the direction and supervision of the city council, which shall designate and fix the salary of said city manager and prescribe by ordinances such other regulations concerning his appointment, qualifications and duties as it may deem advisable.

City manager

FINANCE AND TAXATION.

*Fiscal year.*

SEC. 87. The fiscal year shall commence at twelve o'clock m. of the first Monday in March of each year.

Fiscal year

*Tax system.*

SEC. 88. The city council shall by ordinance provide a system, not inconsistent with the provisions of this charter, for the assessment, levy and collection of all city taxes. The city council shall have the power to avail itself, by ordinance, of any law of the State of California, now or hereafter in force, whereby assessments may be made by the assessor of the county in which the city of Napa is situated, and taxes collected by the tax collector of said county. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Tax system

*Department estimates of annual requirements.*Annual  
depart-  
mental  
estimates.

SEC. 89. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the city council, the heads of departments, officers and boards shall send to the head of the department of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards for the current fiscal year.

*Annual estimate of city's requirements and revenue.*Annual  
city  
estimate.

SEC. 90. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the city council, the head of the department of finance and revenue shall submit to the city council an estimate of the probable expenditures of the city government for the current fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

*Annual budget.*

Budget.

SEC. 91. The city council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay expenses of conducting the business of the city government for the current fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office or board, as the city council may deem advisable.

*Board of equalization.*Board of  
equalization.

SEC. 92. The city council shall meet at their usual place of holding meetings on the first Monday in August of each year at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for at least three days. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

*Annual tax levy.*Annual  
tax levy.

SEC. 93. Not later than the first Tuesday in September of each year, the city council must levy a tax upon the assessed valuation of the property of the city, subject to the provisions of this charter, designating the number of cents upon each one hundred dollars of the valuation thereof, sufficient to raise the amounts estimated in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

*Computing tax.*

SEC. 94. The assessment roll shall then be delivered to the auditor who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll and total the same. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax. Computing tax

*Limit of tax levy.*

SEC. 95. The tax levy authorized by the city council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter otherwise provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The city council in making the levy shall apportion not less than ten cents to the library fund, unless the estimate of the board of library trustees calls for a less amount. Limit of tax levy

*Bonds and other special taxes.*

SEC. 96. The city council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and to levy and collect special taxes, in addition to the annual tax hereinbefore provided for, whenever authorized by the people at any general municipal election, by the majority vote of the electors voting thereon. At any such election the city council may be authorized to levy a special tax each year, for a period of years not exceeding five years, in all, for any permanent municipal improvement. Bonds and other special taxes.

*Tax lien.*

SEC. 97. All taxes and assessments levied together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance: *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state or county taxes; and the city council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter. Tax lien.

*Tax deeds.*

**Tax deeds.** SEC. 98. All deeds made under any sale of property for taxes or special assessments, under the provision of this charter, shall have the same force and effect in evidence as is or may be provided hereafter by law for deeds for property sold for non-payment of state and county taxes.

*Uniform accounts and reports.*

**Uniform accounts and reports.** SEC. 99. The city council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

## CONTRACTS.

*Form of contracts.*

**Form** SEC. 100. All contracts shall be in writing executed in the name of the city of Napa by an officer or officers authorized to sign the same, and must be countersigned by the auditor who shall number and register the same in a book kept for that purpose. All contracts shall be approved, as to form, by the city attorney, and no contract made, the expense of the execution of which is not provided by law or ordinance, to be paid by assessment on the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract.

*Public work to be done by contract.*

**Public work to be done by contract.** SEC. 101. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or water fronts, or, in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies or materials for the same, or for any other use by the city, when the expenditure required exceeds the sum of three hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder after advertising for sealed proposals for the work contemplated, or supplies or materials required, for five consecutive days in some newspaper printed and published in the city of Napa, or after posting notice inviting sealed proposals therefor for five days on or near the council chamber door. Such notice shall distinctly and specifically state the work contemplated to be done or supplies or materials to be furnished; *provided, however*, the city council may reject any and all bids if deemed excessive, and readvertise for bids or provide for the work to be done by the proper city department, or the supplies or materials to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from the responsible bidder. In case no bid is received, the city council may likewise provide for the work to be done by the proper department or the supplies to be purchased in open market.

*Progressive payment on contracts.*

SEC. 102. Any contract may provide for progressive payments, provided no such payments can be authorized, which, with any prior payments, shall exceed seventy-five per cent of the value of the labor done and materials used; *and provided, further,* that no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Progressive  
payment on  
contracts

*Officers not to be interested in contracts.*

SEC. 103. No member of the city council nor any other officer or employee of the city, shall be interested, directly or indirectly, in any contract, job, work or service for the city, or with the profits or emoluments thereof or in the expenditure of any money on the part of the city other than his fixed compensation, and any contract with the city in which any such officer or employee is or becomes interested shall be void. No member of the city council or other officer or employee of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility, or engaged in business of a public nature with the city or from any person known to him to have or to be endeavoring to secure a contract with the city. Any officer or employee violating any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

Officers not  
to be  
interested  
in contracts.

*Collusion by bidder.*

SEC. 104. If at any time it shall be found that the person to whom a contract has been awarded, has in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bids being made, then the contract so awarded shall be null and void and the city council shall advertise for a new contract for said work or provide for such public work to be done by the city.

Collusion  
by bidder.

*Collusion with bidder.*

SEC. 105. Any officer of the city or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor to have been performed than has been actually performed, or to the receipt of a greater amount, or different kind of material or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Collusion  
with bidder.

## FRANCHISES.

*No franchise to be exclusive.*Not to be  
exclusive.

SEC. 106. No grant, extension or renewal of any franchise shall be exclusive and no such grant shall be made by the city council in violation of any limitations contained in this charter.

*Ordinance granting, renewing or extending franchises.*Ordinance  
granting,  
renewing or  
extending  
franchises

SEC. 107. No franchise shall be granted, renewed or extended except by ordinance. Such ordinance shall go into effect thirty days after its final passage and publication unless within such thirty days a referendum petition signed by qualified voters of the city in the manner provided for referendum elections in this charter be filed with the city clerk asking that such franchise ordinance be submitted to a vote of the electors for approval or rejection, and in case such petition is so filed, no such ordinance shall be of any force or effect whatever until it has been approved by the electors by a majority vote of those voting thereon at the referendum election.

*Application and sale of franchise.*Application  
and sale of  
franchise

SEC. 108. Any person desiring to obtain a franchise shall file with the city clerk a written application therefor accompanied by a cash deposit of one hundred dollars as a fund out of which to pay all expenses connected with such application and the granting of such a franchise.

*Return of deposit.*Return of  
deposit.

SEC. 109. In the event such franchise so applied for is not granted, the unexpended portion of such deposit shall be returned to the applicant, and if the said franchise be awarded to some one other than the applicant thereupon such deposit shall be returned to the applicant.

*Conditions of grant to be determined.*Conditions  
of grant  
to be  
determined

SEC. 110. Upon the filing of the said application and the making of the deposit aforesaid, the city council shall, if it proposes to grant the same, proceed to determine the character of such franchise and the terms, restrictions, reservations, conditions, provisions and form of the ordinance to be adopted for the purpose of granting such franchise.

*Advertising notice of sale.*Advertising  
notice of  
sale

SEC. 111. The city council shall thereupon advertise the fact of said application together with the statement that it proposes to grant the same in the form so determined in one or more newspapers published and circulated in the city of Napa once a day for five successive days, or as often during said period as such newspapers are published, and the full publication must be completed not less than twenty nor more than thirty days before any further action is taken thereon. Such advertisement must state the character of said franchise or privilege, and set forth, in full, the form of the ordinance

proposed for the purpose of granting the same and that sealed bids therefor will be opened at a time and place stated, and that the franchise will be awarded to the highest and best bidder; *provided*, that no franchise or privilege shall be sold for less than five hundred dollars

*Bidding for the franchise.*

SEC. 112 At the time of opening the sealed bids any responsible person, firm or corporation may bid for such franchise or privilege a sum not less than ten per cent above the highest sealed bid therefor and such bid so made may be raised and such bids may so continue until finally such franchise shall be struck off, sold and awarded by the city council to the person, firm or corporation offering the highest and best bid therefor; *provided*, that such bidder shall, before the making of such award, deposit with the city clerk at least ten per cent of the amount of such bid, and if such successful bidder is not the applicant, the sum of one hundred dollars in addition as a fund out of which to pay all expenses connected with such application and the granting of said franchise, and in the case of a failure to make such deposits, such bid shall be rejected and that of the next highest bidder accepted upon the making of the deposit aforesaid; and in case the bidder shall fail to deposit with the treasurer the remaining ninety per centum of such bid within five days of its acceptance the award of said franchise shall be set aside and the deposit theretofore made thereon shall be forfeited and no further proceedings for the sale of said franchise shall be had without readvertising, and again offering it for sale in the manner hereinabove provided.

Bidding  
for the  
franchise

*Bond required.*

SEC. 113. The successful bidder for any franchise or privilege sold and awarded under this charter, shall file a bond running to the city of Napa, with at least two good and sufficient sureties, or other bond provided by law, to be approved by the city council, in a penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond.

Bond  
required

Said bond shall be filed with the city clerk within five days after such franchise is awarded and upon the filing and approval of such bond the said franchise shall be granted by the city council by ordinance to the person, firm or corporation to whom it has been struck off, sold and awarded, and in case the said bond shall not be so filed, the award of such franchise shall be set aside and any money paid therefor shall be forfeited and said franchise may, in the discretion of the city council, be readvertised and again offered for sale in the same

manner and under the same restrictions as in this charter provided for original application, advertisement and sale of such franchise.

*Free competition in bidding.*

Free  
competition  
in bidding

SEC. 114. No clause or condition of any kind shall be inserted in any franchise offered or sold under the terms of this charter which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

*Service and accommodation.*

Service and  
accommoda-  
tion

SEC. 115. The grant of every franchise, permit or privilege shall be subject to the right of the city whether reserved in such grant or not to make all regulations which shall be necessary to secure, in the most ample manner, the safety, welfare, and accommodation of the public, including among other things, the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper public service and accommodations.

*Rates, regulations and reports.*

Rates,  
regulations  
and reports.

SEC. 116. Every ordinance granting any franchise shall be subject to the right of the city, whether reserved therein or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise; to require such reports, accounts or special information about its affairs to be furnished, as the city council may prescribe, or deem necessary or convenient, for the purpose of fixing such rates, fares, rentals or charges, or for any other lawful purpose, to be made in such form, and verified by such persons as the city council shall prescribe; to have full and free access, at any and all reasonable time, to all books, records and papers of such utility, with the right of examining the same, and privilege of taking copies of the same or any part thereof.

*Right of the city to purchase.*

Right of  
the city to  
purchase.

SEC. 117. Every ordinance granting any franchise shall reserve to the city the right to purchase or lease all the property of the utility used in or useful for the operation of the utility at a price either fixed in the ordinance making the grant or to be fixed in the manner provided by such ordinance, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Nothing in such ordinance shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful mode. Upon the acquisition of such property by purchase, condemnation or otherwise, such franchises shall at once terminate

*Fire and police, alarm and telephone wires.*

SEC. 118. Every grant of any franchise authorizing the grantee to use any street, highway or other public place for the purpose of constructing, erecting, laying down or maintaining any poles, towers or other structures above the surface, or any conduits, tunnels or other structures below the surface for the stringing, suspension or carriage of wires, shall be subject to the right of the city, whether reserved or not, to use such poles, towers, conduits, tunnels or other structures without cost for the stringing, suspension or carriage of the fire and police alarm and telephone wires of the city, and the right to attach alarm and call boxes to any of such poles or towers.

Fire and police, alarm and telephone wires

*Other conditions may be imposed.*

SEC. 119. Nothing in this charter contained, except as herein specifically provided, shall operate to limit the city council in the exercise of any of its lawful powers respecting public utilities or to prohibit the city council from inserting in any ordinance granting a franchise such further restrictions and provisions as it may deem to be in the public interest; *provided, only*, that the same are not inconsistent with the provisions of this charter or the constitution of this state.

Other conditions may be imposed

*Lease or assignment of franchises.*

SEC. 120. No franchise granted by the city shall be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee, on the part of the city, to require the performance of any act or payment of any compensation by the lessee and assignee shall be deemed to operate as such consent. *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Lease or assignment of franchises.

*Forfeiture for non-compliance.*

SEC. 121. Every ordinance granting a franchise or privilege shall provide for the termination or forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof and in all such cases the city council shall have the power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

Forfeiture for non-compliance

*Extensions.*

SEC. 122. All grants of the right to make extensions of any public utility shall be subject, as far as practical, to the terms of the original grant and shall expire therewith.

Extensions

*Renewals of franchises.*

SEC. 123. No ordinance granting a renewal of a franchise, shall be passed at a date earlier than two years before its expiration without the vote of at least four of the members of the city council, and no ordinance granting a renewal or extension of any franchise shall be passed until the city

Renewals of franchises.

council shall first declare, by ordinance, its intention of considering a renewal or extension thereof, at a time and place fixed by such ordinance, not less than thirty days after such ordinance takes effect.

*Spur track permits.*

Spur track  
permits

SEC. 124. Revocable permits for laying spur or sidetracks along, upon or across any street, alley or public ground to connect a railroad operated with steam, electric or other motive power with any property in need of switching facilities, shall not be regarded as a franchise, within the meaning of this charter, but such permits may be granted in accordance with such terms, regulations and conditions as the city council may by ordinance prescribe from time to time, and all such permits shall be revocable at the pleasure of the city council.

*Franchises for utilities not suburban.*

Franchises  
for  
utilities  
not  
suburban

SEC. 125. The city council may grant franchises for the construction, operation and maintenance of any public utility, including railroads, interurban railroads and electric light and power lines, extending in its operation to other communities not properly suburban to the city of Napa without advertising for bids therefor and the provisions of this charter regarding the right of the city to purchase, and concerning rates and regulations, shall not apply to any such franchises, but nothing herein contained shall prohibit the city council from inserting in the ordinance granting any such franchise, such restrictions, conditions and requirements as it may deem to be for the public interest, including the provisions above referred to; *provided*, that the same are not inconsistent with any of the provisions of this charter or with the constitution of this state.

PUBLIC UTILITIES.

*Power to acquire public utilities.*

Power to  
acquire  
public  
utilities

SEC. 126. The city shall have power to acquire, construct, maintain and operate any or all public utilities, either within or without the corporate limits of the city. The city may also acquire, lay, maintain and own all fixtures located in the streets and public places necessary for the operation of public utilities and may in like manner acquire, construct, maintain and own public utility plants whether for manufacture or distribution, or both, either within or without the corporate limits of the city.

*Income of utilities owned.*

Income of  
utilities  
owned

SEC. 127. All income derived from the operation or management of any public utility by the city shall be devoted exclusively to the payment of expenses of operating, maintaining, improving or bettering such public utility and to the payment of any debts, and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

GOODMAN LIBRARY.

*Free public library and trustees thereof.*

SEC. 128. The free public library, heretofore established and now maintained by the city, shall be known as the "Goodman Library," and shall be managed by a board of library trustees, consisting of five members, to be appointed by the city council. Such trustees shall hold office at the pleasure of the city council, providing that the members of the present board of library trustees shall hold office until the expiration of their present terms of office.

Free public library and trustees

*Meetings and records of library board.*

SEC. 129. The board of library trustees shall meet at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. The board shall cause a proper record of their proceedings to be kept.

Meetings and records.

*Powers of library trustees.*

SEC. 130. The board of library trustees shall have power:

*First*—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Goodman Public Library, and all property belonging thereto.

Powers of library trustees

*Second*—To administer any trust declared or created for such library, and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such library.

*Third*—To prescribe the duties and powers of the librarian, secretary and other officers and employees of such library; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of the board.

*Fourth*—To purchase necessary books, journals, publications and other personal property.

*Fifth*—To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building or portion thereof has not been provided by the legislative body of the municipality for such library.

*Sixth*—To require the secretary of state and other state officials to furnish such library with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

*Seventh*—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

*Eighth*—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this charter

*Reports of library trustees.*

Reports of  
library  
trustees.

SEC 131 The board of library trustees shall, on or before the first Monday in March in each year, make a report to the legislative body of the municipality, giving the condition of the library on the first Monday in March, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento.

*Revenue for library.*

Revenue for  
library.

SEC. 132. The city council shall, in making the annual tax levy and as a part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor.

*Library fund.*

Library  
fund.

SEC. 133. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the "library fund," and be applied to the purpose herein authorized. If such payment into the treasury should be inconsistent with the terms of any such gift, devise or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be ordered by the board of library trustees in the manner provided for the payment of other demands against the municipality.

*Use of library.*

Use of  
library.

SEC. 134. The Goodman Library shall be forever free to the inhabitants and non-resident taxpayers of the city, subject always to such rules, regulations and by-laws as may be established by the board of library trustees.

*Contracts concerning books.*

Contracts  
concerning  
books

SEC. 135. The board of library trustees may contract for lending the books of such library to residents of counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.

*Title to property of library.*

Title to  
property  
of library

SEC. 136. The title of all property acquired for the purposes of such library, when not inconsistent with the terms of its acquisition or otherwise designated, shall vest in the municipi-

pality in which the library is, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

POLICE COURT.

*Police court created.*

SEC. 137. There is hereby created in and for the city of Napa a court that shall be known as the police court of the city of Napa. Said court shall consist of one judge, who shall be appointed by the city council, shall serve during its pleasure, and receive such compensation as the city council shall determine.

Police court created

*General jurisdiction of police court.*

SEC. 138. Said police court shall have exclusive jurisdiction:

General jurisdiction

1. In all prosecutions for violations of the provisions of this charter and of the ordinances of the city of Napa.

2. In all actions for the recovery of any fine, penalty, or forfeiture, and the enforcement of any obligation, or liability, prescribed, or created, by ordinance of the city of Napa, and in which the sum sued for does not amount to three hundred dollars

*Concurrent and coordinate jurisdiction of police court.*

SEC. 139. Within the city limits of the city of Napa said court shall have concurrent and coordinate jurisdiction with township or city justice courts, or such other inferior courts as the legislature of this state may hereafter create, in all matters and things in which said justice or other courts, now or may hereafter, have jurisdiction, and the judge of said police court of the city of Napa shall have like authority, power, and jurisdiction as the justice or judges of said justice or other courts. He shall also have the power and perform the duties of a magistrate; may administer and certify oaths and affirmations, and take and certify acknowledgments; and he shall charge for his services such fees as are now, or may hereafter be, allowed by law to justices of the peace for like services.

Concurrent and coordinate jurisdiction

*Appeals from police court.*

SEC. 140. Appeals may be taken from the police court of the city of Napa to the superior court of the State of California, in and for the county of Napa, from the judgments and orders of said police court in all cases in which appeals now are, or may hereafter be, provided by law to be taken to said superior court from justice and other inferior courts.

Appeals from

*Procedure in police court.*

SEC. 141. In all proceedings in and appeals from said police court the pleadings, practice, procedure, and laws now applicable, or that may hereafter be made applicable, to justice, police or other inferior courts, are hereby adopted and made applicable to said police court.

Procedure

*Fees, moneys, etc., in police court.*Fees,  
moneys,  
etc

SEC. 142. All fines, fees and other moneys received, or collected by the judge of said police court for and on account of any cause, civil or criminal, shall immediately be paid into the city treasury by such police judge.

*Records of police court.*

Records.

SEC. 143. The judge of the said police court shall keep a record of the proceedings of the police court in all matters and proceedings before such police court. Separate dockets shall be kept for civil and criminal cases. Said police judge shall charge and collect in all civil cases such fees as are now, or may hereafter be, charged, allowed, or provided for in justices or other inferior courts of the county of Napa.

*City council's duty to police court.*City  
council's  
duty

SEC. 144. The city council shall furnish for said police court the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays, and other non-judicial days.

*Duties of police officers in police court.*Duties of  
police  
officers

SEC. 145. The chief of police or any other police officer of the city of Napa shall execute and return all processes issued from the police court of the city of Napa, and all orders of the police judge, and said chief of police shall attend, or assign a police officer for attendance, on said police court to preserve order therein and to enforce the orders of said police court.

*Disqualifications of police judge.*Disqualifi-  
cations of  
police  
judge

SEC. 146. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity, or affinity, within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in any justice of the peace or judge of other inferior court, residing in the county of Napa to act in his place and stead; *provided*, such justice or judge is not disqualified as herein provided.

## INITIATIVE.

*Power of electors.*Power of  
electors.

SEC. 147. The qualified electors of the city of Napa shall have power to propose by petition and to adopt at the polls any ordinance which may be enacted under this charter.

*Proposals of ordinance.*Proposals  
of  
ordinance.

SEC. 148. Such initiative ordinance may be proposed by filing with the city clerk a copy of the proposed ordinance, accompanied by an affidavit to be made by one of the proponents, setting forth that the proponents desire to propose the annexed ordinance for adoption by the city council and do designate five persons therein named, each of whom is a

qualified elector of the city of Napa, selected by the proponents as a committee on initiative, who have accepted such appointment and consented to act as such.

*Notice of hearing before council.*

SEC. 149. The city clerk shall file said affidavit and ordinance and shall thereupon submit the same to the city attorney who shall, if he deems it necessary redraft the said ordinance so that it may conform to legal requirements, and thereupon and within ten days after the receipt thereof shall present the same to the city council with the draft so prepared, if any. The city council shall thereupon direct notice to be given to the committee named in said affidavit that at the next regular meeting of the city council the said ordinance, and if a redraft thereof has been prepared by the city attorney, such redraft, if the committee shall elect to adopt the same, will be considered by the city council and that a copy of said redraft of said ordinance, if one there be, is on file with the city clerk and open to inspection.

Notice of hearing before council

*Hearing of proposal.*

SEC. 150. The said committee on initiative or a majority thereof, shall elect in writing, whether the original ordinance or the redraft thereof, if any, shall be considered, and at the regular meeting of the city council specified in said notice, the ordinance selected shall be considered by the city council. The committee on initiative may appear as proponents of said ordinance and any other person or persons may appear and favor or oppose said ordinance and may freely discuss the subject matter thereof.

Hearing of proposal

*Action by city council.*

SEC. 151. After a full hearing thereon and within ten days thereafter the city council may adopt or refuse to adopt such ordinance, or may direct that the same be submitted to a vote at the next general municipal election.

Action by city council

*Notice of intention to submit to electors.*

SEC. 152. If the city council shall not adopt such ordinance, and shall not direct that the same be submitted to a vote at the next general municipal election the committee on initiative may elect in writing, to have the same submitted to the electors of the city of Napa for approval or rejection without alteration, in which case they shall file with the clerk a statement of their intention to secure the submission of said ordinance to a vote of the electors by initiative petition.

Notice of intention to submit to electors

*Form of initiative petition.*

SEC. 153. Thereupon the city clerk shall immediately prepare a petition in substantially the following form:

Form of initiative petition

INITIATIVE PETITION NO. -----

“We, the undersigned qualified electors of the city of Napa, registered in the precinct set opposite our names, respectively, having read the proposed ordinance entitled ‘-----’ (here

insert title), and being in favor of its adoption, do hereby respectfully petition that the same be submitted to the qualified electors at the next ensuing general municipal election.”

(Signed.)

Names	Date	Precinct

All such petitions shall be numbered in the order of the receipt of such requests by the city clerk, who shall have prepared as many copies of said petition as may be required, conformable to the necessary numbers of signers, hereinafter specified, and shall forthwith give notice, in writing, to the committee on initiative that said petition has been prepared and that the same is open in his office as a public document for signatures thereto, and will remain therein until the third Monday in March next immediately prior to the day of holding the next general municipal election.

*Signing initiative petitions.*

Signing  
initiative  
petitions.

SEC 154 The city clerk shall, at the time of giving such notice, place said petition in a conspicuous place in his office accessible to the public and shall provide a convenient place therein where the qualified electors may, without interference or interruption, examine the said petition and such ordinance, and sign said petition and thereafter keep the same in his office in the manner aforesaid and open for examination and signatures during office hours until the third Monday in March preceding the day of holding such next general municipal election, at the hour of five o'clock p.m. thereon when he shall declare the signing thereof closed and immediately bind said petition together and file the same in his office.

*Soliciting the signing of initiative petitions.*

Soliciting  
the signing  
of  
initiative  
petitions

SEC. 155. No person shall solicit for signers to said petitions within the office of the city clerk and said petitions shall not in any manner or for any purpose be removed from the office of the city clerk or circulated, and it shall be unlawful to sign the same except at the office of the city clerk.

*Examination by, and certificate of city clerk.*

Examination  
by, and  
certificate  
of city  
clerk.

SEC 156 Within ten days after the signing of such petition has been declared closed, the city clerk shall examine and ascertain from the records of registration whether or not said petition is signed by electors not qualified to sign the same, and shall thereupon attach to said petition his certificate showing the result of his said examination, and setting forth the whole number of the electors within the city of Napa, registered up to the said third Monday in the month of March, the per centum

of qualified electors who have signed the said petition, and shall present the same at the next regular meeting of the city council.

*Canvass by city council.*

SEC. 157. The city council shall, at its next regular meeting, proceed to canvass the same and if the petition shall have received twenty-five per cent or more of the qualified electors registered up to the third Monday in March, and qualified to vote at the next general municipal election shall submit said proposition to a vote of the electors at the next general municipal election.

Canvass by city council

*Ballots.*

SEC. 158. Upon the ballot used at said general municipal election shall be printed in full the title of the proposed ordinance and shall contain words "For the Ordinance," and "Against the Ordinance."

Ballots

*Measure to be mailed to voters.*

SEC. 159. Whenever any ordinance is required under the initiative provisions of this charter to be submitted to the voters of the city, the city council shall cause the ordinance so required to be submitted to be printed, and it shall be the duty of the city clerk to inclose a printed copy thereof in the envelope with the sample ballots and mail the same to each voter therewith. The city council may, in its discretion, cause said ordinance to be printed in a newspaper or newspapers of general circulation published in the city of Napa prior to the day of holding such election.

Measure to be mailed to voters.

*Canvass of returns.*

SEC. 160. The city council shall canvass the returns made by the election officers and if the ordinance shall receive a majority of the votes cast upon such proposition, such ordinance shall thereupon without any other procedure take effect and be in force five days after the declaration of the official canvass, unless the said ordinance, shall provide for a later time at which it shall take effect, in which case it shall take effect and be in force as of the time so provided.

Canvass of returns

*Repeal.*

SEC. 161. No ordinance approved by the electorate under the provisions of the initiative in this charter contained shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide

Repeal

REFERENDUM.

*Request for a referendum petition.*

SEC. 162. At any time within thirty days after the final passage of any ordinance, order, resolution or proposition by the city council granting any franchise or privilege, or involving the sale or lease of any public utility, or authorizing the

Request for a referendum petition.

lease, sale or purchase of any lands, or creating any vested rights against the city of Napa or out of which vested rights may accrue against the city of Napa, any ten qualified electors of the city of Napa may file with the city clerk a written request that a petition be opened for signatures for submitting such ordinance, order, resolution or proposition to a vote of the qualified electors of the city of Napa.

Said request shall be verified by the affidavit of one of the signers thereto that all of the signatures thereto are genuine. No such ordinance, order, resolution or proposition shall go into effect until the expiration of thirty days from the date of its final passage, but upon the expiration of said period of thirty days such ordinance, order, resolution or proposition shall be in force and effect unless within said period there shall have been filed with the city council the referendum petition signed by qualified registered electors, in the manner hereinafter provided, equal to or exceeding ten per centum of the whole number of qualified registered electors of the city of Napa, on the day when the signing of said petition shall close, as hereinafter provided, and if said petition is so signed as aforesaid, such ordinance, order, resolution, or proposition shall not go into force or be in effect until approved by a majority of the voters voting thereon in a general or special election as in this charter prescribed.

*Form of petition.*

Form of petition.

SEC. 163. It shall be the duty of the city clerk upon receiving and filing such request, prepared, signed and verified, as aforesaid, to prepare forthwith as many copies of a petition as shall be necessary for the required number of signatures, as hereinafter provided each headed substantially as follows:

REFERENDUM PETITION NO. -----

“We, the undersigned qualified electors of the city of Napa and registered in the precinct set opposite our names, respectively, do hereby respectfully petition that ordinance number ----- entitled, (here insert title, or the order, resolution or proposition as the case may be describing it) finally adopted by the city council, ----- be submitted to the referendum vote of the qualified electors of the said city of Napa.”

(Signed.)

Names	Date	Precinct
-----	-----	-----

All such petitions shall be numbered in the order of the receipt of such requests by the city clerk who shall thereupon

prepare as many copies of said petition as may be required conformable to the necessary number of signers hereinafter specified, and shall without delay give notice, in writing, to the signers of said request of the fact that the said petition has been prepared and that the same is open in his office as a public document for signatures thereto, and will remain therein for a period not exceeding thirty days after the final passage of such ordinance, order, resolution or proposition.

The procedure for signing the said petition, canvassing and declaring the result thereof shall be conducted as in the case of initiative proceeding, in this charter set out, and if within the said time the said petition shall receive the signatures of qualified electors equal to or exceeding ten per centum of the number of electors residing in the city of Napa, registered as of the day when the signing of said petition shall close, said ordinance, order, resolution or proposition shall be suspended and shall be submitted to the qualified electors at the next general municipal election; *provided, however*, that in case any person shall advance to the city of Napa and pay to the treasurer thereof the amount required to pay the cost and expenses of a special election, to be fixed and determined by the city council, the city council shall call a special election for that purpose, at which the said proposition shall be submitted and determined as provided for at the general municipal election and any unexpended balance of the money so advanced shall be refunded to the person advancing the same.

*Ballots.*

SEC. 164. There shall be printed upon the ballots used at such municipal election called, as aforesaid, the words, "Shall the ordinance (stating the title of the ordinance, or order, resolution or proposition, stating it) be adopted" and opposite such proposition to be voted on and to the right thereof the words "Yes" and "No" shall be printed on separate lines with voting squares.

*Measure to be mailed to voters.*

SEC. 165. Whenever any ordinance, order, resolution or proposition is to be submitted to the electors of the city at any election pursuant to such referendum petition, the city council shall cause the same to be printed, and it shall be the duty of the city clerk to inclose a printed copy thereof in the envelope with sample ballots and mail the same to each voter therewith.

*Canvass of returns.*

SEC. 166. Upon the canvass of the returns, if the ordinance, order, resolution or proposition shall receive a majority of the votes cast upon such proposition, it shall without further proceedings take effect immediately and be in force thereafter in like manner as if such referendum proceeding had not been taken; but in case it does not receive such majority, it shall be defeated and the same proposition shall not again,

within the period of two years, be considered or adopted by the city council: *provided, however,* that the same proposition may at any time be proposed by the initiative.

MISCELLANEOUS.

*When this charter takes effect.*

When this  
charter  
takes effect.

SEC. 167. For the purpose of nominating and electing candidates for mayor and councilmen, in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature, and for all other purposes it shall take effect on the first Monday in June, A. D. 1915, at twelve o'clock noon.

*Existing ordinances continued in force.*

Existing  
ordinances  
continued  
in force

SEC. 168. All ordinances, resolutions, and regulations in force at the time that this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be amended or repealed.

*Terms of incumbents in office.*

Terms of  
incumbents  
in office

SEC. 169. The mayor and the five members of the city council, in office at the time of the approval of this charter, by the legislature, shall continue to hold office and discharge their duties until the first Monday in June, A. D. 1915, at 12 o'clock noon, and until the election and qualification of the mayor and councilmen elected under this charter, and each public library trustee shall continue to hold office until the expiration of his term and the appointment and qualification of his successor. The term of each of the other officers in office at the time this charter takes effect shall cease and terminate when the city council elected hereunder, shall by resolution so declare, but the powers and duties of their office shall be such as shall be prescribed in this charter, or by ordinance passed pursuant thereto.

*Violations of charter and ordinances.*

Violations  
of charter  
and  
ordinances.

SEC. 170. The city council shall prescribe fines, forfeitures and penalties for the violation of any of the provisions of this charter, or of any ordinance of the city, which violations shall be deemed misdemeanors, and the same may be prosecuted by the authorities of the city of Napa in the name of the people of the State of California, and may be redressed by civil action at the option of the city authorities. Any prisoner sentenced to imprisonment for the violation of the provisions of this charter or of any ordinance may be imprisoned in the city jail, or, if the city council by ordinance shall so prescribe, in the county jail of the county in which the city of Napa is situated, in which case the expenses of such imprisonment shall be a charge in favor of said county against the city of Napa.

*Be it known,* that the city of Napa, in the State of California, containing a population of more than three thousand

five hundred inhabitants, as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, did on the 25th day of June, A. D. 1914, at a special election held under and in accordance with the provisions of section 8 of article XI of the constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city; and we, the members of said board, in pursuance of said provision of the constitution and within a period of one hundred and twenty days after the result of said election, was declared by the city council of said city of Napa, have prepared and do propose the foregoing, signed by us in duplicate, as and for the charter of the said city of Napa.

*In witness whereof*, we have hereunto set our hands in duplicate this 27th day of October, A. D. 1914.

E. J. DRUSSEL, Chairman.  
 F. L. COOMBS.  
 C. E. TROWER.  
 JOHN T. YORK.  
 J. E. BEARD.  
 A. L. VOORHEES.  
 P. S. KING.  
 E. W. CHURCHILL.  
 O. T. SCHULZE.  
 JOS. A. MIGLIAVACCA.  
 F. G. NOYES.  
 H. H. SAWYER.  
 E. G. MANASSE.  
 W. M. SHWARZ.  
 F. M. SILVA, Secretary.

(Endorsed, Filed October 27th, 1914.)

DAVID C. SCRIBNER, City Clerk.

STATE OF CALIFORNIA, }  
 County of Napa, } ss.  
 City of Napa. }

I, E. J. Drussel, mayor of the city of Napa in the county Certificate  
of Napa, State of California, do hereby certify that I now am, and was at all times herein mentioned, the duly elected, qualified and acting mayor of the city of Napa in said county of Napa, State of California; that on the 2nd day of June, 1914, the city council of the city of Napa by a unanimous vote duly passed and adopted, and the mayor of said city approved, Ordinance No. 515, declaring that the public interest required the election of a board of fifteen freeholders for the purpose of preparing and proposing a charter for said city, and calling a special municipal election in and for said city to be held on the 25th day of June, 1914, for the purpose of electing a board of fifteen freeholders to prepare, propose, and frame a charter for the government of said city; that on said 25th day of June, 1914, a special municipal election was held in and for said

Certificate

city of Napa and at said election E. J. Drussel, F. L. Coombs, C. E. Trower, John T. York, J. E. Beard, A. L. Voorhees, P. S. King, E. W. Churchill, O. T. Schulze, Jos. A. Migliavacca, F. G. Noyes, H. H. Sawyer, E. G. Manassoe, Wm. Shwarz and F. M. Silva, and each of them was elected by the qualified electors of said city of Napa as a board of fifteen freeholders to prepare, propose and frame a charter for the government of said city of Napa; that on the 7th day of July, 1914, the city council of the city of Napa duly canvassed the returns of said special municipal election and declared the result thereof; that within one hundred and twenty days from said 7th day of July, 1914, said board of fifteen freeholders prepared, proposed and framed a charter for said city of Napa which said charter was signed in duplicate by all of the members of said board of fifteen freeholders and thereafter, to wit, on October 27th, 1914, one copy thereof was filed in the office of the city clerk of said city of Napa and the other in the office of the county recorder of the county of Napa, the county in which said city of Napa is situated; that thereafter the city council of the city of Napa, caused said proposed charter to be published in the Napa Daily Journal a daily newspaper of general circulation, printed, published and circulated in said city, for a period of eleven days, the first publication of which said proposed charter was made on the 10th day of November, 1914, and the last publication of which was made on the 22nd day of November, 1914; that on November 17th, 1914, the city council of said city of Napa duly passed and adopted and on said date the mayor of the city of Napa approved Ordinance No. 526, calling a special municipal election in and for said city on the 16th day of December, 1914, for the purpose of submitting to the qualified electors of said city, said charter so prepared, proposed and framed by said board of fifteen freeholders, which said ordinance specified the purpose and time of such election, established the election precincts, designated the polling places therein and the names of the election officers for each such precinct; that said ordinance so calling said special election was published in said Napa Daily Journal more than ten times prior to the day fixed for said special election; that on said 16th day of December, 1914, said special municipal election in and for said city was held and said charter so prepared, proposed and framed by said board of fifteen freeholders was submitted to the qualified electors of said city for ratification; that at said special municipal election so held on December 16, 1914, a majority of the qualified electors voting thereon voted in favor of said proposed charter and ratified the same; that on January 5th, 1915, the returns of said election were duly canvassed by said city council of the city of Napa and the mayor thereof, and the result thereof declared, and said city council declared and adjudged that a majority of the votes of the qualified electors voting at said election to ratify said proposed charter were in favor of ratifying the same, and that the same had been so ratified; that in

all matters and things pertaining to the election of said board of fifteen freeholders, the preparation and filing of said proposed charter, the publication of said proposed charter, the calling of said special election to submit said proposed charter to the qualified electors of said city and the canvassing of said returns of said elections, all provisions of said section 8 of article XI of said constitution of the State of California, and all provisions of the laws of the State of California have been fully complied with in every particular. Certificate

*In witness whereof*, I have hereunto set my hand and caused the corporate seal of the city of Napa to be fixed this 11th day of January, 1915.

[SEAL]

E. J. DRUSSEL,  
Mayor of the City of Napa.

Attest: DAVID C. SCRIBNER,  
City Clerk of the City of Napa.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Napa as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby approved as a whole as and for the charter of the said city of Napa.

CHAPTER 7.

*Assembly Concurrent Resolution No. 9, approving amendments to the charter of the city of San Jose, a municipal corporation in the county of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general election held therein on the 18th day of May, 1914.*

[Filed with Secretary of State January 28, 1915.]

WHEREAS, Proceedings have been had and taken for the proposal, submission, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of San Jose, as set out in the certificate of the mayor and city clerk of the city of San Jose, to wit: San Jose  
charter

CITY OF SAN JOSE,  
State of California, }  
County of Santa Clara. } ss.

We, the undersigned, F. R. Husted, mayor of the city of San Jose, State of California, and Roy E. Walter, city clerk of said city, do hereby certify and declare as follows:

San Jose  
charter

That the city of San Jose, in the county of Santa Clara, State of California, contains a population of more than three thousand five hundred inhabitants, and has been ever since the year 1897, and is now, organized and existing under a freeholders charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election duly called and held for that purpose on the 23rd day of February, 1897, and approved by the legislature of the State of California on the 5th day of March, 1897 (statutes of 1897, p. 592) :

That in pursuance of sufficient petitions requiring the same, filed in the office of the city clerk of said city on the 17th day of March, 1914, and by and in pursuance of ordinances Nos. 1362 and 1364, both adopted by the common council of the city of San Jose on the 6th day of April, 1914, and approved by the mayor of said city on the 13th day of April, 1914, the city council of the said city of San Jose did by said ordinances and by ordinance No. 1370, adopted by said city council on the 22nd day of April, 1914, and approved by the mayor of said city on the 22nd day of April, 1914, and pursuant to section 8 of article XI of the constitution of the State of California, duly submitted to the qualified electors of said city of San Jose certain amendments to said charter of said city to be voted on by said qualified electors at a general municipal election to be held in said city on the 18th day of May, 1914, which said amendments were and are in words and figures following, to wit:

Amend article II by adding immediately after chapter I of said article II a new chapter to be known as chapter Ia, to read as follows:

ELECTIONS.

CANDIDATES—HOW NOMINATED—PRIMARY ELECTION—BALLOT—CANVASS OF VOTE—RESULT PUBLISHED—MUNICIPAL ELECTION.

Nomination  
of  
candidates.

Primary.

Candidates'  
statement.

SECTION 1. Candidates to be voted for at all general municipal elections under the provisions of this charter shall be nominated at a primary election, and no names shall be placed upon the general ballot other than those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks, as are required for said general municipal election. Any person desiring to become a candidate for an elective office shall, at least thirty days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

STATE OF CALIFORNIA, }  
County of Santa Clara. } ss.

I, (-----), being first duly sworn, say that I reside at-----street, city of San Jose, county of

Santa Clara, State of California; that I am a qualified voter therein; that I am a candidate for nomination to the office of-----, to be voted upon at the primary election to be held on the first Monday of May, 19----, and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)-----

and shall at the same time file therewith the petition of at least 250 qualified voters in said city requesting such candidacy.

FORM OF NOMINATION PETITION.

SEC. 2. The petition of nomination shall consist of not less than 250 individual certificates, which shall read substantially as follows: Form of nomination petition.

*Petition of Nomination.*

*Individual Certificate.*

STATE OF CALIFORNIA. }  
County of Santa Clara. } ss.  
City of San Jose. }

No. -----

I, the undersigned, certify that I do hereby join in a petition for the nomination of-----, whose residence is at No.-----street, San Jose, for the office of-----to be voted for at the municipal election to be held in the city of San Jose, on the -----day of May, 19----, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, that my residence is at No.-----street, San Jose, and that my occupation is-----.

(Signed)-----

STATE OF CALIFORNIA. }  
County of Santa Clara. } ss.  
City of San Jose. }

-----, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)-----

Subscribed and sworn to before me this-----day of-----, 19-----.

-----  
Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to----- at No.-----street, San Jose, Cal.

FORMS TO BE SUPPLIED BY THE CITY CLERK.

SEC. 3. It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character. Forms to be supplied by the city clerk.

## REQUIREMENTS OF CERTIFICATES.

Require-  
ments of  
certificates.

SEC. 4. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient, or upon the withdrawal or death of any candidate.

## VERIFICATION DEPUTIES.

Verification  
deputies.

SEC. 5. Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed with the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their places of residence, occupation and whether or not they are qualified electors of the city of San Jose, California.

## DATE OF PRESENTING PETITION.

Date of  
presenting  
petition.

SEC. 6. A petition of nomination must be presented to the city clerk not earlier than forty-five days nor later than thirty days before the primary election, except as otherwise provided in this charter. The city clerk shall endorse thereon the date upon which the petition was presented to him.

## EXAMINATION OF PETITIONS BY CITY CLERK.

Examination  
of petition  
by city  
clerk.

SEC. 7. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the

petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

WITHDRAWAL OF SIGNATURE.

SEC. 8. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of signature.

WITHDRAWAL OF CANDIDATE.

SEC. 9. Any person whose name has been presented under the provisions of this chapter as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, in the same manner as hereinbefore provided.

Withdrawal of candidate.

FILING OF PETITIONS.

SEC. 10. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the city clerk shall file the same not less than eighteen days before the date of the election. When a petition of nomination shall have been filed by the city clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Filing of petitions.

PRESERVATION OF PETITIONS.

SEC. 11. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Preservation of petitions

Immediately upon the expiration of the time of filing the certificates and petitions for candidacies, the city clerk shall mail, not later than five (5) days prior to the date of election, a sample ballot to each qualified voter in the city of San Jose; and the city clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

BALLOTS.

SEC. 12. The ballots shall be printed upon plain, substantial white paper, and shall have no party designation or mark whatever, and shall be in substantially the following form:

Ballots.

OFFICIAL PRIMARY BALLOT.

Candidates for nomination for mayor and other elective officers of the city of San Jose, at the primary election, held May -----, 19-----.

Official primary ballot.

(Place a cross (X) in the square following the name of the person you favor as a candidate for such office.)

FOR MAYOR (vote for one)

(Here print alphabetically, names of all candidates for mayor, with a square following each name.)

FOR COUNCILMAN ----- WARD (vote for one)

(Here print alphabetically, names of all candidates for councilman, -----ward, with a square following each name.)

FOR COUNCILMAN ----- WARD (vote for one)

(Here print alphabetically, names of all candidates for councilman, -----ward, with a square following each name.)

FOR COUNCILMAN ----- WARD (vote for one)

(Here print alphabetically, names of all candidates for councilman, -----ward, with a square following each name.)

FOR COUNCILMAN ----- WARD (vote for one)

(Here print alphabetically, names of all candidates for councilman, -----ward, with a square following each name.)

FOR COUNCILMAN AT LARGE (vote for one)

(Here print alphabetically, names of all candidates for councilman at large, with a square following each name.)

FOR CITY CLERK (vote for one)

(Here print alphabetically, names of all candidates for city clerk, with a square following each name.)

FOR CITY TREASURER (vote for one)

(Here print alphabetically, names of all candidates for city treasurer, with a square following each name.)

FOR POLICE JUDGE (vote for one)

(Here print alphabetically, names of all candidates for police judge, with a square following each name.)

Official ballot attest,

----- City Clerk.

FIRST ELECTION.

First election

SEC. 13. Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to ten per cent more than the number of registered voters in such polling precinct, who are entitled to vote at said election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall forthwith make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk. On the second day following the filing with the city clerk of complete returns of said election, the mayor and common council shall canvass said returns and declare the result thereof. The two candidates receiving the highest number of votes for any office shall be the candidates, and the only candidates, for such office, whose names shall be placed upon the ballot at the next succeeding general municipal election.

In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected.

SECOND ELECTION.

SEC. 14. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided that if two or more persons shall each receive an equal number of votes at said first election and said number of votes so received by each of said persons shall be greater than the number of votes received by any other person who is a candidate for nomination for the same office, or if any two or more persons receive an equal number of votes at said first election and said number of votes is exceeded by the number of votes received by only one candidate for said office then in either event the persons so receiving an equal number of votes shall likewise become candidates for such office

Second election.

The candidates equal in number to the number of persons to be elected, who shall receive the highest number of votes at such second election, shall be declared elected to such office

RULES GOVERNING SECOND ELECTION.

SEC 15. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, and provided also that the same precincts and polling places shall, if possible, be used.

Rules governing second election.

RECALL.

Any or all of the elective officers, provided for in this charter, may be removed from office by the electors. The procedure to effect such removal shall be as follows:

Recall.

A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed with the city clerk.

Such petition shall be signed by qualified electors equal in number to at least twenty (20) per centum of the total number of votes cast for the office of mayor at the last general municipal election.

The signatures to such petitions need not all be appended to any one paper.

PETITIONS.

SEC. 16. Petition papers shall be procured only from the city clerk, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the city clerk, stating the name and office of the officer or officers sought to be removed. The city clerk, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such

Petitions.

issuance, and the number of papers issued, and shall certify on such papers the name of the elector to whom issued, and the date issued. No petition papers so issued shall be accepted as part of the petition unless it bears such certificate of the city clerk and unless it be filed as provided herein.

## SIGNATURES

Signatures

SEC. 17. Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place thereon after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be, and that such circulator has not received and will not receive, either directly or indirectly, any compensation for circulating said petition, or for procuring signatures thereto.

## FILING OF PETITIONS.

Filing of petitions.

SEC. 18. All papers comprising a recall petition shall be assembled and filed with the city clerk as one instrument within thirty (30) days after the filing with the city clerk of the affidavit stating the name and office of the officer sought to be removed.

## EXAMINATION OF PETITIONS.

Examination of petitions.

SEC. 19. Within 10 days from the date of filing such petition the city clerk shall examine the register and therefrom ascertain whether or not said petition is signed by the requisite number of qualified voters; and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition, his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The clerk shall, within 5 days after such amendment, make like examination of the amendment to the petition, and attach his certificate thereto as in the case of the original petition, and if his certificate shall show the said amended petition to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition, either as originally filed, or after amendment, shall be found to be sufficient, the city clerk shall submit the same to the common council at the next regular meeting of said council after the date of his certificate of such sufficiency, and he shall forthwith serve upon the officer or officers sought to be recalled a notice of the submission of such petition, which said notice may be served upon said officer personally or by leaving a written notice of such submission at the last known address of said officer or officers.

## CALLING OF ELECTION

Calling of election.

SEC. 20. If said officer or officers does not resign within 5 days after the submission of said petition to said common

council, said council shall order and fix a date for holding a recall election, which said election shall be held not less than 20 days or more than 40 days from the submission of said petition to said council; which said election shall be held at the same time as any general or special municipal election to be held within such period; but, if no such general or special election is to be held within such period the common council shall call a special recall election, to be held within the time aforesaid.

BALLOTS.

SEC. 21. The ballots at such recall election shall conform Ballots. to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (Name of person) be removed from the office of (Name of office) by recall?"

Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (Name of person).

Against the recall of (Name of person).

Immediately to the right of each proposition shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions.

SEC. 22. Should a majority of the votes cast at a recall election be against the recall of the officer named on the ballot, Majority rules. such officer shall continue in office for the remainder of his term, subject to recall as before. If a majority of the votes cast on the question of the recall of a particular officer at a recall election be for the recall of such officer, he shall, regardless of any technical defects in the recall petition, be deemed removed from office.

LIMITATION OF TIME.

SEC. 23. No recall petition shall be filed against any elective officer within six (6) months after he takes his office, and in the event of the failure to recall any elective officer at any such election; no other election may be held for the recall of such officer until six (6) months after the previous recall election. Limitation of time.

APPOINTMENT OF SUCCESSOR.

SEC. 24. In the event of the recall of the mayor his successor shall be elected by a majority vote of the common council. In the event of the recall of any officer, other than the mayor, the successor of the officer or officers so recalled shall be appointed by the mayor and no confirmation by the common council of such appointment shall be required. In the event of the recall of the mayor and less than a majority of the members of the common council successors to the officers so recalled shall be elected by a majority vote of the common council, provided that no member of the common council Appointment of successor.

whom the electors shall have voted to recall shall be allowed to vote for a successor to himself or to any other officer voted to be recalled.

If by reason of the operation of this section or for any other reason there are not sufficient officers remaining qualified to vote for successors to the officers recalled then a special election for the purpose of electing successors to said officers shall be called by the member or members of the common council whom the electors have not voted to recall, or, in the event there is no such member of the common council said election shall be called by the city clerk and in such event the city clerk is hereby invested, for the purposes of said election, with all of the powers by this charter invested in the common council in respect to the conduct of elections. Such special election shall be conducted in the manner hereinbefore provided for the general municipal election. No officer who has been recalled shall hold office, either appointive or elective, during the remainder of the term for which he was elected.

#### THE INITIATIVE.

*Powers reserved to the people.*

Initiative.

SEC. 25. In addition to the powers vested by this charter in the common council, the people reserve to themselves the power to adopt or reject ordinances at the polls independent of the council.

#### PETITION SHALL CONTAIN PROPOSED ORDINANCES.

Petition shall contain proposed ordinances.

SEC. 26. To initiate proceedings for the exercise of said reserved powers, a petition signed by duly qualified electors of the city equal in number to twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, shall be filed with the city clerk. Said petition shall be addressed to the mayor and common council, shall contain the proposed ordinance set out in full and shall request that the proposed ordinance be submitted forthwith to vote of the people at a special election, or at a general election at the option of those proposing the ordinance.

#### THE PETITION MAY BE IN TEN SECTIONS.

Petition may be in ten sections.

SEC. 27. To facilitate the procuring of signers, the petition may consist of not exceeding ten separate sections. Any qualified elector may circulate a section for signatures, and each signer shall add to his signature his place of residence, giving the street and number. Each section shall have attached thereto the affidavit of the person who circulated the same for signatures; that all the signatures were made in his presence, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name it purports to be. The several sections shall each contain a copy of the proposed ordinance, and, at the time of being signed, shall in all respects be counterparts of each other. When filed they shall be attached together and constitute the petition.

VERIFICATION OF THE PETITION.

SEC. 28. Within ten days after such petition is filed, the city clerk shall satisfy himself whether or not the petition contains the requisite number of signers and whether or not the signers are qualified electors of the city and reside at the places set opposite their names respectively. At the conclusion of such examination, the city clerk shall attach to said petition his certificate showing the result of his examination. The common council shall allow the city clerk such extra help in making the examination as may be necessary.

Verification of the petition

PETITION MAY BE AMENDED.

SEC. 29. If by the certificate it appears that the petition is not signed by the requisite number of duly qualified signers, or is defective in any other particular, it may be amended within ten days from the date of the certificate, by the filing of not exceeding five additional sections duly verified and counterparts, except as to the names of the signers, of the sections on file, containing the requisite number of signatures. The city clerk shall, within five days after such additional sections are filed, make examination of the signatures thereon and attach his certificate to the petitions showing whether or not the petition is still insufficient. If, after filing the additional sections, the certificate of the city clerk shows the petition still insufficient, no further proceedings shall be had on the petition on file; but a new petition may, however, be filed to effect the same purpose.

Petition may be amended

COUNCIL SHALL PASS THE ORDINANCE OR CALL AN ELECTION.

SEC. 30. If the certificate of the city clerk shows the petition sufficient, the council, if a special election is demanded in the petition, within twenty days from the date of the city clerk's certificate showing the sufficiency of the petition, shall either pass such ordinance without alteration, or forthwith call a special election, to be held within forty days after the passage of the ordinance calling the same, and submit said proposed ordinance without alteration to vote of the people.

Council shall pass the ordinance or call an election.

FIFTEEN PER CENT PETITION.

SEC. 31. If the petition request that the proposed ordinance be submitted to a vote of the people at the next general municipal election, and be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last general municipal election at which a mayor was elected, and said ordinance be not passed by the council, as demanded in the petition, then, such ordinance, without alteration, shall be submitted by the common council to a vote of the people at the next general municipal election, provided such election shall occur at any time after twenty days from the date of the city clerk's certificate showing the sufficiency of the petition

Fifteen per cent petition.

## PRINTED ARGUMENTS FOR AND AGAINST THE ORDINANCE.

Printed arguments for and against the ordinance.

SEC. 32. At any time twenty days prior to the election at which the proposed ordinance is submitted to vote of the people, the proposers of the ordinance and the mayor and common council may respectively present to the city clerk printed arguments favoring or opposing the passage of the proposed ordinance by vote of the people. There shall be only one printed argument on behalf of the proponents of the ordinance, and one on behalf of the mayor and common council, and said arguments shall be contained in not exceeding two hundred words on each printed paper. The form and size of paper shall be suitable for mailing, and shall be prescribed by the city clerk. The number of copies of such printed arguments for each party shall be five per centum in excess of the total number of qualified electors in the city. One copy of each of said arguments shall be mailed by the city clerk with each sample ballot, and with each sample ballot shall also be mailed a printed copy of the proposed ordinance and petition, except the names of the signers to said petition and the certificate of the city clerk shall not be included. The cost of printing the necessary copies of the petition and proposed ordinance shall be borne by the city.

## FORM OF THE BALLOT.

Form of the ballot.

SEC. 33. The ballot used when voting on the proposed ordinance shall set forth the title of the ordinance in full, state its general nature, and shall contain the words "for the ordinance" Opposite such proposition to be voted on, and to the right thereof, the words "yes" and "no" shall be printed on separate lines with voting squares in which the voter may stamp his cross. If a majority of those voting on such proposed ordinance shall vote in favor thereof, such ordinance shall be deemed adopted, and shall take effect five days after the declaration of the official canvass of the returns of such election.

## SEVERAL ORDINANCES MAY BE SUBMITTED TO VOTE OF THE PEOPLE AT THE SAME ELECTION.

Several ordinances may be submitted.

SEC. 34. Any number of proposed ordinances may be submitted to vote of the people at the same election. The enacting clause of an ordinance adopted by vote of the people shall be, "The people of the city of San Jose do ordain as follows:"

## REPEAL OR AMENDMENT OF ORDINANCE.

Repeal or amendment of ordinance.

SEC. 35. The common council, at any general municipal election, may, without petition, submit to vote of the people a proposition to amend or repeal any ordinance adopted by vote of the people, or for the enactment of a new ordinance, and in case a majority of the votes cast thereon at such general municipal election be in favor of the proposition submitted, the ordinance shall thereupon be amended or repealed accordingly, and the new ordinance adopted. An ordinance pro-

posed by petition and passed by vote of the people can be repealed or amended only by vote of the people

CONFLICTING ORDINANCES ADOPTED.

SEC. 36. If two or more ordinances adopted at the same election shall contain conflicting provisions, the one adopted by the highest number of votes shall be construed as paramount to the other so far as the particular conflict is concerned.

Conflicting ordinances

LAWS GOVERNING INITIATIVE ELECTIONS.

SEC. 37. The procedure for holding special elections to submit proposed ordinances to vote of the people shall, so far as applicable, be the same as for special election for the recall.

Laws governing initiative elections.

INITIATIVE ELECTIONS TO BE SIX MONTHS APART.

SEC. 38. There shall not be held more than one special election in a period of six months for the purpose of submitting any ordinance to vote of the people.

Initiative elections to be six months apart

THE REFERENDUM.

SEC. 39. No ordinance passed by the common council shall go into effect before thirty days from the time of its final passage, except where otherwise required by the general laws of the state, or by the provisions of this charter, respecting street improvement or street opening, or respecting matters pertaining to the purchase or sale of lands, or pertaining to elections, or respecting the levying and collection of taxes, or pertaining to bond issues, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifth vote of the common council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days, a petition signed by qualified electors of the city, equal in number to at least fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election, at which a mayor was elected, protesting against the passage of such ordinance, be presented to the common council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the common council to reconsider such ordinance, and if the same be not entirely repealed, the common council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election, or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same, shall vote in favor thereof. The form of the petition, and the mode of verification and certification and filing, shall be substantially, with such modifications as the nature of the case requires, as provided for recall elections.

Referendum

Council to  
make  
further  
regulations.

SEC. 40. The common council must by ordinance make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of the recall election thereto.

Conflicting  
provisions  
repealed.

SEC. 41. All parts of the charter of the city of San Jose in conflict with the provisions of this chapter, are hereby repealed and the common council is hereby authorized and directed to enact any ordinances necessary to make said provisions effective.

A new section to be added to chapter IV, article X of said charter, to be known as section 14, and to read as follows:

Day of rest.

Sec. 14. Every paid employee of the city who shall be required to be on duty twenty-four hours each day shall be entitled to one day off in every seven, and every board or commission having supervision of such employees shall make rules and regulations providing for one day off in every seven for such employees. No employee shall be allowed to work more than six consecutive days, except in times of great emergency, and a lack of public funds shall in no event be construed as such an emergency.

That the charter of the city of San Jose be amended by adding a new section to be numbered section 6a to chapter 1 of article III. Said section 6a to read as follows, to wit:

Vacancy in  
office of  
mayor.

Sec. 6a. Should the mayor die, resign or be removed from office other than by the vote of the people, or the office of mayor become permanently vacant in any other way, then the common council shall appoint one of their number mayor, and he shall possess all the powers of the mayor, and receive the same compensation, provided for the mayor, during the unexpired term. The mayor so appointed shall, with the consent of the common council, appoint an eligible citizen to the vacancy created in the common council by his elevation.

That section 3 of article I, section 9 of chapter I of article II, sections 1 and 2 of chapter I of article III, section 2 of chapter II of article V, and section 2 of article IX of the charter of the city of San Jose be amended to read as follows:

Wards.

Section 3 of article I: The city shall be divided into six wards, bounded as follows:

First ward.

That portion of the city bounded on the northwest by the former northern boundary line of said city, on the northeast by the center line of First street; on the southeast by the center line of Santa Clara street, and on the southwest by the southwestern boundary of said city, together with all of that portion of the city lying north of the center line of Rosa street (and being the territory annexed to the city by the election had November 22, 1912) shall be and constitute the First ward.

Second ward

That portion of the city bounded on the northwest by the northern boundary line of said street, on the northeast by the center line of the Coyote river, on the southeast by the center line of Santa Clara street and on the southwest by the center line of First street shall be and constitute the Second ward.

That portion of the city bounded on the northwest by the center line of Santa Clara street, on the east and northeast by the center line of the Coyote river, on the southeast by the southeastern boundary line of said city, and on the southwest by the center line of First street shall be and constitute the Third ward.

Third ward.

That portion of the city bounded on the northwest by the center line of Santa Clara street; on the northeast by the center line of First street; on the southeast by the southeastern boundary line of said city; on the southwest by a line commencing at the point of intersection of the center line of Santa Clara street with the center line of Delmas avenue and running thence southerly along the center line of said Delmas avenue to the point of intersection of the center line of Delmas avenue with the center line of Grant street, thence easterly along the center line of Grant street to the point of intersection of the center line of Grant street with the center line of Guadalupe creek; thence southerly along the center line of the Guadalupe creek following the meanderings thereof to the southwesterly city limits as they stood in the year 1897, and thence southerly along the southwesterly boundary line of the city as it stood in 1897 to the southerly boundary line of the city, shall be and constitute the Fourth ward.

Fourth ward.

That portion of the city lying south of the center line of Santa Clara street and west of the center line of First street, and not included in the Fourth ward, shall be and constitute the Fifth ward.

Fifth ward.

That portion of the city lying easterly of the center line of the Coyote river shall be and constitute the Sixth ward.

Sixth ward.

Whenever territory is hereafter annexed to the city, the mayor and common council, shall, immediately, after said annexation, make it a part of one of the wards of the city by ordinance, and it shall be and become from thenceforth a part of the ward to which it is attached by ordinance.

Annexed territory.

Section 9 of chapter I of article II: The election for city officers held under the provisions of this charter shall be held in the even numbered years, and be biennially hereafter, when there shall be elected a mayor, treasurer, city clerk, and councilmen, in place of the councilmen whose terms expire on the first Monday of July of the year in which said election is held.

Time of elections.

At the election in the year 1916, there shall be elected one councilman from each of the Second, Third, Fifth and Sixth wards, each to hold office for four years.

The mayor, treasurer and city clerk shall hold office for a term of two years; but the same persons shall not be eligible for election as mayor for more than two consecutive terms.

Term of mayor.

The councilman at large, and the councilmen from the Second and Third wards elected at the general municipal election in 1914, shall hold office for the term of four years.

Term of councilmen.

Of the councilmen, six shall be elected for the wards, one for each ward, and one at large. The nominations of councilmen for wards shall be made by the respective wards, and the person

Nomination by wards.

nominated shall be a resident of the ward for which he is chosen. Nominations for councilman at large shall be from the city at large. The certificates of nomination shall show whether the person is nominated at large or by ward, and in the latter case the name of the ward for which he stands. The official ballot shall be made to correspond. All candidates for councilmen, whether at large or from the wards, shall be voted for by the electors of the entire city, without respect to wards; and the nominee in each ward having the highest number of votes shall be declared the councilman-elect from that ward.

At each general municipal election, councilmen shall be elected to succeed those whose terms are about to expire, and they shall likewise hold office for four years.

Immediately upon the going into effect of this amendment, the mayor and common council then in office, shall appoint a councilman from each of the Fifth and Sixth wards, in the manner now provided in this charter for filling a vacancy, in the common council, and each of said appointees shall hold office until the first Monday in July, 1916.

Legislative  
power  
vested in  
council.

Section 1 of chapter I of article III: The legislative power of the city is hereby vested in a common council consisting of seven members, four of whom shall constitute a quorum, but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for lack of a quorum or to compel the attendance of a quorum, and no ordinance or resolution shall be valid unless it receive the affirmative votes of four councilmen.

Ordinances  
and  
resolutions.

Section 2 of chapter I of article III: Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts, which being less formal in character require only to be duly passed by the common council and spread upon the minutes. No order, resolution or ordinance shall have effect without the approval of the mayor. In the case of orders the approval of the mayor shall be presumed unless at the same meeting at which the order was passed the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reasons for his disapproval. No ordinance or resolution shall be placed upon its final passage in the council upon the same day that it has been introduced and read in full the first time; and every ordinance to be valid must be passed by a vote of not less than four councilmen, and approved by the mayor; *provided*, that if the mayor fail to approve the same it may be passed by a vote of not less than five councilmen, and shall then take effect as if approved by the mayor.

Approval  
of claims.

Section 2 of chapter II of article V: After allowance by the common council, the city clerk shall present such claim or demand to the mayor, who, within five days thereafter, shall

endorse thereon or annex thereto his approval or disapproval and return it to the city clerk. The mayor may approve a claim in part, but where a claim is disapproved in whole or in part the reasons of the mayor must be given in full. The common council, by the affirmative votes of five of its members, may allow a claim or such portion of a claim as the mayor has disapproved, but not otherwise.

Section 2 of article IX: The government of the school department is hereby vested in a city board of education, consisting of five members to be selected from the city at large, who shall serve without compensation. Board of  
education.

That said proposed amendments were, and each of them was, published as required by law, ten times in a daily newspaper in general circulation, printed, published and circulated in said city, to wit, The Evening News.

That the city council of said city did by ordinance duly adopted on the 22d day of April, 1914, and approved by the mayor of said city on the same day, order the holding of a general municipal election in said city on the 18th day of May, 1914, and did provide therein for the submission of said proposed charter amendments hereinabove set forth to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was duly published as required by law.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify, each and all of the proposed amendments to the charter of the city of San Jose hereinabove set forth.

That the city council of the city of San Jose, at a meeting held at the time and in the manner required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified each and all of said proposed amendments to said charter hereinabove set forth.

*In witness whereof*, We have hereunto set our hands and caused the seal of said city to be affixed, this 8th day of January, 1915.

[SEAL]

F. R. HUSTED,  
Mayor of the city of San Jose  
ROY E. WALTER,  
City Clerk of the city of San Jose

AND, WHEREAS, The said proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city of San Jose,

as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city of San Jose.

## CHAPTER 8.

*Assembly Concurrent Resolution No. 10, approving a new charter for the city of Long Beach, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Long Beach at a special municipal election held therein on the 15th day of October, 1914.*

[Filed with Secretary of State January 28, 1915.]

Long Beach  
charter

WHEREAS, The city clerk of the city of Long Beach did, on the 5th day of January, 1915, duly certify to the submission to the electors of said city of Long Beach a proposed charter, together with two alternative propositions and to the ratification of said proposed charter, together with alternative proposition No. One, and did further certify to a copy of said proposed charter and alternative proposition No. One authenticated by the seal of said city of Long Beach, which said certificate is in words and figures following, to-wit:

STATE OF CALIFORNIA,	} ss.
County of Los Angeles,	
City of Long Beach	

I, Harry B. Riley, city clerk of the city of Long Beach, do hereby certify as follows, to-wit:

*That*, The city of Long Beach, in the county of Los Angeles, State of California, contains a population of more than ten thousand inhabitants, and has been ever since the year nineteen hundred and seven, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 5th day of February, 1907, and approved by the legislature of the State of California, on the 20th day of February, 1907 (statutes of 1907, page 1178); and

*That*, At a special election duly held in said city on the 20th day of April, 1914, under and in accordance with the law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a new charter for the government of said city; and

*That*, Said board of freeholders did within one hundred and twenty days after the result of said election was declared, prepare and propose a new charter for the government of said city of Long Beach; and

*That*, Said charter was on the 19th day of August, 1914, signed in duplicate by the members of said board of freeholders, and was thereupon duly returned and filed, one copy with the city clerk of said city of Long Beach, and the other copy with the county recorder of said county of Los Angeles, and filed in the office of said county recorder; and

*That*, Said proposed charter, together with two alternative propositions, was thereafter published ten times in "The Long Beach Press," a daily newspaper of general circulation, printed, published and circulated in the city of Long Beach, on the following days of publication, to-wit: August 28th, 29th and 31st, and September 1st, 2d, 3d, 4th, 5th, 7th and 8th, 1914; the first publication thereof having been made within fifteen days after the filing of the copy thereof as aforesaid in the office of the said city clerk; and

*That*, Within not less than thirty days after the completion of said publication the said charter, together with said alternative propositions, was submitted by the city council of the city of Long Beach to the qualified electors of said city of Long Beach at a special election previously duly called and therein held on the 15th day of October, 1914, for the purpose of ratifying or rejecting said proposed charter and for adopting or rejecting alternative proposition No. 1, or alternative proposition No. 2, published with said charter and presented with said charter for the choice of said voters and to be voted on separately, said alternative propositions being as follows:

"ALTERNATIVE PROPOSITION NO. 1.

ARTICLE XXIV.

INDUSTRIAL DISTRICTS.

SECTION 1. There is hereby established two industrial districts in the city of Long Beach, as follows: Beginning at the intersection of Seaside boulevard and Alpine avenue; thence north and easterly on Alpine avenue to its intersection with Mendocino avenue; thence north on Mendocino avenue to Ocean avenue; thence east on Ocean avenue to the junction of Ocean avenue and Ocean Park avenue; thence westerly, northerly and easterly along Ocean Park avenue to its intersection with Shanock street; thence northerly on Shanock street to its intersection with the Southern Pacific railroad right of way; thence along said railroad right of way to a point opposite the center of Riverside drive, where said Riverside drive intersects said railroad right of way; thence northerly across said railroad right of way and Wilmington boulevard to the junction of Wilmington boulevard and Fairbanks avenue; thence

Industrial districts.

westerly and northerly along said Fairbanks avenue to the Cerritos slough; thence along the said Cerritos slough with its meanderings, to the southwest corner of property of the Soft Water Laundry Company, as said property is shown on map filed with the city clerk of the city of Long Beach for assessment purposes, March, 1911, by the Los Angeles Dock & Terminal Company; thence south 60 deg. 18 min. 40 sec. east, along the southerly boundary of said property of the Soft Water Laundry Company, 52.05 feet; thence north 37 deg. 8 min. east, along the easterly boundary of said property, 246.12 feet; thence north 208.9 feet to a point in the center line of Anaheim street; thence east on Anaheim street to Daisy avenue; thence north on Daisy avenue to the city limits.

Zaferia  
industrial  
district.

That Industrial District No. 2, known as Zaferia Industrial District, shall comprise all that portion of the city of Long Beach described as follows:

Beginning at a point in the east line of Temple avenue, as said Temple avenue is shown on the map of the Alamitos Tract, recorded in book 36, page 27, *et seq.*, Miscellaneous Records of Los Angeles County, said point being six hundred sixty (660) feet south of the center line of Anaheim street; thence north thirteen hundred twenty (1320) feet; thence east to the west line of Loma avenue; thence south to the south line of Anaheim street; thence east to the east line of Ximeno avenue; thence south six hundred twenty (620) feet; thence west to the point of beginning.

Boundaries  
not to be  
increased.

SECTION 2. That the boundaries of said industrial district hereinbefore in section 1 described shall not be increased or diminished, and no other or further industrial districts shall be created or established by the legislative body.

SECTION 3. That said industrial districts are hereby defined to be that portion of the city of Long Beach within which such buildings may be erected and such avocations and industries may be maintained as are prohibited in the remaining portions of the city of Long Beach.

Industries  
restricted  
to districts.

SECTION 4. That it is hereby declared to be unlawful and a nuisance to erect, construct, repair or maintain any building, or structure, or to maintain any yard, or place for the purpose of conducting, carrying on, or maintaining any of the following avocations, industries or lines of business in the city of Long Beach, except within said industrial districts, to-wit: The manufacture of gas and electricity, the maintaining of a stone crusher, rolling mill, planing mill, lumber yard, coal or wood yard, feed yard, carpet beating establishment, fire works, factory, warehouse, laundry, smelter, ship yard, foundry, grist mill, flour mill, glass factory, woolen mill, powder mill, turn-table or freight yard, car barn or the manufacture of any kind of goods, wares or merchandise not hereinbefore mentioned wherein machinery is used, to propel which requires the use of steam, gas, gasoline, distillate or electric energy or any other motive or animal power or in the manufacture of which large volumes of smoke, excessive noise and obnoxious

odors are produced; *provided*, this section shall not apply to the maintenance of garages or to the maintenance of any lines of business which are in existence and being conducted in the city of Long Beach outside of said industrial district at the time of the taking effect of this charter except that no additions, or extensions, or any improvements other than mere repairs of existing parts shall be permitted upon any of the buildings, structures or places where such restricted lines of business are now being conducted or upon any of the machinery or equipment therein. Exceptions.

SECTION 5. That any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$500.00, or by imprisonment in the city jail for a period of not exceeding six months, or by both such fine and imprisonment, each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided by this article." Penalty.

“ALTERNATIVE PROPOSITION NO. 2.

ARTICLE XXIV.

INDUSTRIAL DISTRICTS.

SECTION 1. The legislative body shall have the power to create, by ordinance, industrial districts within the city of Long Beach, define what industries shall be confined to the industrial district; prohibit the erection, construction, maintaining and operation of such industries outside of the industrial district, regulate and control the establishment of industries, and fix a penalty for the violation of said ordinance." Industrial districts.

*And that*, At said last mentioned special election a majority of such qualified voters of said city voting at such special election, voted in favor of a ratification of such charter, as proposed, as a whole; and Alternative Proposition No. One was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election and thereupon became article XXIV of said proposed charter; said Alternative Proposition No. Two being rejected and failing to receive a majority of the votes cast by the electors at such special election; and

*That*, The returns of said election were duly canvassed by the said city council of the city of Long Beach at a meeting held on the 21st day of October, 1914. (which such meeting was duly convened); and

*That*, Said city council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at such special election had voted for and ratified said

charter, and had also voted for, adopted and ratified said Alternative Proposition No. One; and

*That*, Said charter, as so constituted by its ratification as a whole, and by the ratification of said Alternative Proposition No. One, is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI, of the constitution of the State of California: and

*That*, Said charter, so ratified, is in the words and figures as follows, to-wit:

## CHARTER

### *For the city of Long Beach, California.*

#### ARTICLE I.

**Name.** SECTION 1. The municipal corporation now existing, known as the city of Long Beach, shall continue to be a body corporate and politic under the name of the city of Long Beach, and with the following boundaries, to-wit:

#### DESCRIPTION OF THE BOUNDARY OF THE CITY OF LONG BEACH.

**Boundaries.** Beginning at the southwest corner of block 10, East San Pedro, as shown on map recorded in Book 52, pages 13 *et seq.* of Miscellaneous Records of Los Angeles County; thence to the northwest corner of said block 10; thence northeasterly along the northerly boundary lines of blocks 10, 11, 12 and 13, and across all intervening streets to the northwest corner of block 14, all said blocks and streets as shown on said map of East San Pedro; thence northwesterly to the southwest corner of lot 3, Terminal Island, as said lot 3 is shown on filed Map No. 133, Records of Los Angeles County; thence northwesterly along the westerly line of said lot 3 to the most northerly corner of lot 2, said Terminal Island; thence in a direct line northeasterly to the intersection of the westerly boundary line of Long Beach township with the southerly line of Wilmington and Anaheim road, as said road is shown on said map of Terminal Island; thence northwesterly along the boundary line of the city of Wilmington as incorporated December 26, 1905, to a point, said point being south 85 deg west from the intersection of the west prolongation of the north line of State street with the "Compromise line" between Rancho San Pedro and Rancho Los Cerritos as said "Compromise line" is shown in Licensed Surveyor's Map Book 6, pages 15 and 16, said Los Angeles County; thence northeasterly in a direct line to a point in the westerly boundary of the Wilmington Colony Tract, recorded in Book 4, pages 406 and 407, Miscellaneous Records of said county, said point being 1,300 feet south of the north line of lot 7 of said Wilmington Colony Tract; thence east to the east line of lot 11 said Wilmington Colony Tract; thence north 10 feet; thence east to a point 32 feet west of the west line of American avenue, as said avenue is shown on aforementioned map of American Colony Tract; thence south to a

point 100 feet north of the north line of Hill street, as shown <sup>Boundaries.</sup> on said map of American Colony Tract; thence east to the east line of American avenue, as shown on map of Elm Avenue Tract, recorded in Map Book 4, page 86, Records of Los Angeles County; thence north to a point 80 feet north of the north line of Willow street, as said Willow street is shown on aforementioned map of American Colony Tract; thence east to the east line of Pasadena avenue, as said avenue is shown on Map of Signal Tract, recorded in Map Book 7, page 76, Records of Los Angeles County; thence south 30 feet; thence east to a point one hundred and forty-three (143) feet west of the west line of Atlantic avenue; thence north to the north line of Farm Lot 52, aforementioned American Colony Tract; thence west along said north line of Farm Lot 52, to the east line of American avenue, as shown on aforementioned map of American Colony Tract; thence north to the north line of Spring street; thence east along the north line of Spring street to a point 143 feet west of the west line of Atlantic avenue; thence north to the north line of aforementioned American Colony Tract; thence east to the easterly boundary of Los Angeles County; thence southerly along said boundary to a point 100 feet south of the prolonged north line of American Colony Tract; thence west to a point 100 feet east of the aforementioned Atlantic avenue; thence south to the south line of aforementioned Willow street; thence east to a point 300 feet west of the west line of California avenue, as said avenue is shown on aforementioned map of American Colony Tract; thence south to a point in the southerly line of the Pacific Electric Railway right of way, as shown on map of Gadwell and Lyster Tract, recorded in Map Book 7, page 163, Records of Los Angeles County; thence southeasterly along said southerly line of right of way prolonged to the east line of California avenue, as shown on map of aforementioned American Colony Tract; thence south to a point 160 feet north of the north line of Anaheim street; thence east to the west line of Orange avenue, as said Orange avenue is shown on map of Alamitos Tract, recorded in book 36, pages 37 and 44, Miscellaneous Records of Los Angeles County; thence south 860 feet; thence east to the east line of Temple avenue; thence north to the south line of State street; thence east to the east line of Loma avenue; thence south to the south line of Anaheim street; thence east to the east line of Ximeno avenue; thence south to the north line of Seventh street; thence east to the southwesterly line of right of way of the Pacific Electric Railway; thence southeasterly along said southwesterly line to the east line of Santa Fe avenue; thence south to the north line of lot 194; thence east along said north line of lot 194 to the west line of Nieto avenue, as said Temple avenue, State street, Loma avenue, Anaheim street, Ximeno avenue, Seventh street, right of way, Santa Fe avenue, lot 194 and Nieto avenue are shown on aforementioned map of The Alamitos Tract; thence south to the northeasterly line of

Boundaries.

block A, West Naples, as shown on map recorded in Map Book 7, pages 164 and 165, Records of Los Angeles County; thence in a direct line to the most northerly corner of lot 17, said block A; thence southwesterly along the prolonged northwesterly line of said lot 17 to its intersection with the northeasterly line of block B, said West Naples; thence southeasterly along the northeasterly line of said block B to the most northerly corner of lot 18, said block B; thence southwesterly along the prolonged northwesterly lines of said lot 18 to its intersection with the northeasterly line of lots 35 and 36, said block B; thence southeasterly along said northeasterly line of lots 35 and 36 to the most northerly corner of lot 37, said block B; thence southwesterly along the prolonged northwesterly line of said lot 37 to the northeasterly line of block C, said West Naples; thence southeasterly along the northeasterly line of said Block C to its intersection with the northwesterly line of lot 16, said block C; thence southwesterly along the prolonged northwesterly line of said lot 16 to the northeasterly line of lots 44 and 43 of said block C; thence southeasterly along the northeasterly line of said lots 44 and 43 to the most easterly corner of lot 44, said block C; thence southwesterly along the prolonged southeasterly line of lot 44 to its intersection with the northeasterly line of block D, said West Naples; thence southeasterly along the northeasterly line of said block D to the northwesterly line of lot 17, said block D; thence southwesterly along the prolonged northwesterly line of said lot 17 to the northeasterly line of block 48, Alamitos Bay Townsite, recorded in Map Book 4, pages 75 and 76, Records of Los Angeles County; thence southeasterly along the northeasterly line of said block 48 to the northwesterly line of lot 10, said block 48; thence southwesterly along the prolonged northwesterly line of said lot 10 to a point three (3) miles distant from the shore of the Pacific ocean; thence westerly and parallel with the shore of the Pacific ocean and three (3) miles distant therefrom to a point in the prolonged westerly line of aforementioned block 10, East San Pedro; thence in a direct line to point of beginning.

## ARTICLE II.

## GENERAL POWERS.

General powers.

SECTION 1. The said city shall continue vested with all the property of every kind belonging to it, and shall have the power:

1st. To have perpetual succession

2nd. To have and use a corporate seal and alter it at pleasure.

3rd. To sue and be sued in all courts and places and in all actions and proceedings whatever.

4th. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and

without the limits of said city, and control and dispose of the same for the general benefit. Powers.

5th. To receive bequests, devises, and donations of property, both within and without the corporate limits of the said city, in the manner and for the purposes, and upon such trusts and conditions as are now or may hereafter be in accordance with the general law.

6th. To acquire, erect, construct, and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, piers, wharves, museums, life-saving stations, pavilions, morgues and crematories.

7th. To acquire, improve and maintain public parks, cemeteries and sewer farms, both within and without the city; to regulate the same, and to exclude cemeteries from the limits of the city or any portion thereof, and to discontinue the same.

8th. To provide for supplying the city and its inhabitants with water, gas, electricity or any other public utility, or with other means of heat, illumination or power and to acquire, repair, remodel or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transportation or transit, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires, or other means, either in or out of the city.

9th. To provide for the care of the sick and helpless, and to make regulations to prevent the spread of epidemic, contagious and loathsome diseases.

10th. To establish or change the grade, to lay out, open, extend, widen, change, vacate, pave and improve streets, alleys, places, sidewalks, crossings, and other highways and public squares and places, and to make provision for cleaning, sprinkling and oiling the same.

11th. To build, own, alter, improve, repair, keep in repair and control the water front of said city; to build, own, alter, improve, repair and keep in repair wharves, piers, bulkheads, retaining walls and chutes, and to fix the rate of wharfage and transit; to provide for regulation of berths, landing, stationing and removing of steamboats sailing vessels, rafts and other craft, and to fix the rate of speed at which steamboats and other craft may run along the water front of the city.

12th. To provide against the existence of filth, garbage or other injurious and inconvenient matter within the city, and for the disposal of the same.

13th. To levy and collect taxes upon all property for all municipal purposes; and to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same

14th. To levy taxes exceeding the limit permitted in this charter; *provided*, that before such levy can be made, the proposition to make such levy shall first be submitted to the qualified electors of the city at a special or general municipal

Powers.

election, and that two-thirds of the vote cast on the question of making such levy shall have been cast in favor thereof.

15th. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business, carried on within the limits of said city; and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades or callings, occupations and kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress and prohibit hawking, peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, feed yard, horse clipping establishment, bill boards, lumber yards, planing mills, rolling mills, oil wells, furnaces, chimneys and smoke stacks, tanks or refineries, foundries, brickyards, slaughter houses or butcher shops, and the keeping of bees, cattle, or other domestic animals, poultry or pigeons within the limits, or within any designated portion of said city; and to prohibit and suppress the sale or giving away of intoxicating liquors, and the keeping of any place where alcoholic liquor or other intoxicating drinks are sold or given away, and all faro banks, games of chance, gambling houses, or bawdy houses, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

16th. To regulate or prohibit the sale, keeping, storing and use of powder, gasoline, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the places of their manufacture or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers, gas and gasoline engines.

17th. To require every railroad corporation or company to pave and keep in repair that portion of the street between the rails and for a distance of two (2) feet outside the rails, and between the tracks on all streets where more than one track is maintained by such corporation or company.

18th. To fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water, gas and electricity, or any public service supplied to the city or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits.

19th. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertising shall be met

20th. To contract for all necessary printing, and in that behalf either to make contracts for city printing, or to acquire, own and operate municipal printing presses and all the necessary paraphernalia therefor, and to publish and issue a municipal newspaper.

21st. To regulate the speed of railway engines, cars, and trains, passing through or operating within the city, and

to require railroad companies either to station flagmen or place <sup>Powers</sup> sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders and other appliances for the protection of the public; to regulate the speed with which persons may ride, drive, or propel bicycles, tricycles, automobiles or other vehicles, or ride or drive any horse or other animal along or upon any of the streets or highways of the city.

22nd. To create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe all duties pertaining to the office thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

23rd. To make, adopt and enforce all necessary rules and regulations for the prevention of fire, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and preserve the health of the inhabitants of the city.

24th. To prescribe the manner in which, the times at which, and the places where elections shall be held in said city, and to appoint the officers to conduct such elections, and provide for their compensation.

25th. To make the violation of its ordinances or any provision of this charter a misdemeanor, and to prescribe the penalty for such violation, which penalty shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however,* that such fine shall not exceed five hundred dollars, and such imprisonment shall not exceed six months.

26th. To acquire, by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercise of the powers granted to said corporation.

27th. To regulate or control the carrying of freight through any part of the city on, along or upon any of the streets, alleys or places.

28th. To exercise all municipal and police powers necessary to the complete and efficient management and control of municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not, except such powers as are forbidden or controlled by general law.

29th. Plenary control over all uses of its streets and other public places is vested in the city.

30th. To compel the owner, or occupant of buildings or grounds, or the owner of vacant lots to remove dirt, rubbish

Powers.

and weeds from the vacant lots and from lots occupied by buildings and from the sidewalk opposite thereto, and in default, to authorize the removal or destruction thereof by some officer or employee of the city, at the expense of such owner or occupant, and to make such expense a lien upon such lots, buildings, or grounds.

31st. To create a department of the city, known as department of public charity; and may, by ordinance, provide a fund, to be known as "the charity fund"; and the legislative body shall, by ordinance, provide the necessary rules and regulations governing said department.

32nd. Provided, that all of said commissioners comprising the legislative body shall be subject to the provisions of all ordinances now in force or that may be hereafter adopted by the legislative body and the general laws of the State of California relative to such powers and duties.

33rd. To provide by ordinance for all matters not otherwise provided for by this charter for the proper protection of the peace, health, and safety of the city and the inhabitants thereof, or to regulate and control any condition arising from floods, strikes, or the elements

### ARTICLE III.

#### OFFICERS.

Officers.

SECTION 1. The officers of the city shall be:

Mayor, one of the commissioners, to be elected by the legislative body.

Elective:

Commissioner of public affairs;  
 Commissioner of public property;  
 Commissioner of finance and accounting;  
 Commissioner of public safety;  
 Commissioner of public works;  
 Auditor;  
 Attorney;  
 Police judge;  
 Board of education.

Appointive:

Clerk;  
 Tax and license collector;  
 Assessor;  
 Civil engineer;  
 Health officer;  
 Chief of police;  
 Chief of the fire department,  
 Librarian.

Official bonds.

SECTION 2. Every officer provided for in this charter shall, within fifteen days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter, or by the ordinances of this city and by taking the

following oath: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the State of California, and the charter of the city of Long Beach, and I will faithfully discharge the duties of the office according to the best of my ability."

SECTION 3. *Salaries of officers.* The officers of this city, in this section named, shall receive, in full compensation for all services rendered by them, the following salaries, payable in equal monthly installments at the end of each calendar month:

Commissioner of public affairs, twenty-five hundred dollars per annum;

Commissioner of public property, twenty-five hundred dollars per annum;

Commissioner of finance and accounting, twenty-five hundred dollars per annum;

Commissioner of public safety, twenty-five hundred dollars per annum;

Commissioner of public works, twenty-five hundred dollars per annum; (one of above commissioners being mayor).

Auditor, eighteen hundred dollars per annum;

Attorney, three thousand dollars per annum;

Police judge, fifteen hundred dollars per annum.

SECTION 4. In all cases not otherwise provided for in this charter, the legislative body shall, by ordinance, fix the salaries and other compensation of officers and employees.

SECTION 5. *Bonds of officers.* All officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or the ordinances of the city.

SECTION 6. *Bonds—How fixed.* When the amount of bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the legislative body.

SECTION 7. *Bonded officers.* The following named officers shall execute official bonds to the city with sureties, in the following sums:

Each of the five commissioners, one of whom shall be the mayor, in the sum of ten thousand dollars:

Auditor, in the sum of ten thousand dollars;

Clerk, in the sum of ten thousand dollars;

Tax and license collector, in the sum of fifty thousand dollars;

Assessor, in the sum of ten thousand dollars;

Treasurer, in the sum of fifty thousand dollars;

City engineer, in the sum of five thousand dollars;

Police judge, in the sum of five thousand dollars.

Such other and additional bonds may be required from time to time, as the legislative body may deem proper.

SECTION 8. *Kinds of bonds and sureties.* No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will

perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers, and documents that may come into his possession as such. Such bond must also be executed by two or more sureties who shall justify in the amount required for such bond; but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions thereof, not less than one thousand dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal the amount of the bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in sections ten hundred and fifty-six and ten hundred and fifty-seven of the Code of Civil Procedure of the State of California.

Affidavit  
of surety.

SECTION 9. Every surety upon an official bond, other than such lawfully authorized surety companies, must make affidavit, which shall be endorsed upon such bonds, that he is a resident of the county of Los Angeles, that he is the owner of real estate therein over and above such as is legally free from execution or forced sale worth double the amount of his undertaking. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

#### ARTICLE IV.

##### ELECTIONS.

Elections.

SECTION 1. Elections to be held in the city of Long Beach are of three kinds:

1. General municipal elections;
2. Second municipal elections;
3. Special elections.

Time.

SECTION 2. A general municipal election shall be held in said city on the second Tuesday in May, 1915, and on the second Tuesday in May every two years thereafter, for the election of municipal officers.

Nomination  
of  
candidates.

SECTION 3. Candidates for said offices shall be nominated as follows:

1. The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

2. The petition of nomination shall contain not less than twenty-five, or more than thirty-five individual signatures, which shall read substantially as follows:

PETITION OF NOMINATION.

STATE OF CALIFORNIA,  
 County of Los Angeles, } ss.  
 City of Long Beach. }

I, the undersigned, certify that I do hereby join in a petition for the nomination of \_\_\_\_\_, whose residence is at No. \_\_\_\_\_ street, Long Beach, California, for the office of \_\_\_\_\_, to be voted for at the municipal election, to be held in the city of Long Beach, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office; and I further declare that I intend to support for such nomination the candidate named herein

Petition of nomination

No. precinct	Signature	Residence	Date
1	-----	-----	-----
2	-----	-----	-----
3	-----	-----	-----
4	-----	-----	-----
5	-----	-----	-----
6	-----	-----	-----
to 35 inclusive.	-----	-----	-----

VERIFICATION DEPUTY'S AFFIDAVIT.

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the city of Long Beach, county of Los Angeles, State of California, to the nomination paper of \_\_\_\_\_, for the office of \_\_\_\_\_; that all the signatures on this nomination paper, numbered from 1 to \_\_\_\_ inclusive, were made in my presence, and that to the best of my knowledge and belief each of said signatures is the genuine signature of the person whose name it purports to be.

Verification deputy's affidavit

\_\_\_\_\_  
 Verification Deputy.

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Notary Public (or other officer).

This petition of nomination shall, if found insufficient, be returned to \_\_\_\_\_, at No. \_\_\_\_\_ street, Long Beach, California.

3. It shall be the duty of the city clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character.

Clerk to furnish forms

4. Each petition of nomination must contain the name of one candidate, and no more. Each signer to the nominating petition must be a qualified elector, and must not at the time of signing have signed his name to the petition of any other candidate for the same office.

qualification of signers.

Qualifica-  
tion of  
verification  
deputies.

5. Verification deputies, under this section, must be qualified electors of the city, and shall be appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal offices at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment secure the signatures of the signers of petitions of nomination; their appointments shall continue only until all of the petitions under this section shall have been filed with the city clerk. All verification deputies must, before their appointment, make and file with the city clerk, an oath as to their ages, places of residence, occupation, and that they are qualified electors of the city of Long Beach, California.

Presentation  
of petition

6. A petition of nomination may be presented to the city clerk not earlier than forty-five days, nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination  
of petition.

7. When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there, in writing, designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition at once. The petition may then be amended and presented to the clerk, as in the first instance.

Withdrawal  
of  
signature.

8. Any signer to any petition of nomination may withdraw his name from same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal  
of  
candidate

9. Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the date of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

Petition  
filed

10. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Preservation.

11. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Listing and  
publishing  
names of  
candidates.

12. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before

the election, certify such list as being the list of candidates nominated as required by the city of Long Beach, and the legislative body shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election, at least ten successive days before the election, in daily newspapers of general circulation published in the city of Long Beach. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

13. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form: Ballots.

GENERAL MUNICIPAL ELECTION, SECOND MUNICIPAL ELECTION, OR SPECIAL ELECTION, CITY OF LONG BEACH. Form

(Insert date thereof.)

*Instructions to voters:* To vote, stamp a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, or tear, or deface this ballot, return it to the inspector of election, and obtain another.

14. All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this article. The names of the candidates for each office shall be arranged by lot by the city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots alike

15. The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot. Candidates on ballot.

16. The offices to be filled shall be arranged in separate columns in the following order: Arrangement

A commissioner of public affairs, vote for one.

A commissioner of public property, vote for one.

A commissioner of finance and accounting, vote for one.

A commissioner of public safety, vote for one.

A commissioner of public works, vote for one.

An auditor, vote for one.

An attorney, vote for one.

A police judge, vote for one.

Voting  
square

17. Half-inch square shall be provided at the right of the name of each candidate wherein to stamp the cross.

Blank  
spaces

18. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample  
ballots.

19. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Majority  
elects

20. The candidate receiving the majority of all the votes cast for all the candidates for that office shall be declared elected.

First  
election  
deemed  
primary.

21. If at any election, where as above provided, there be any office to which no person was elected, then, as to such office, the first election shall be deemed a primary election for the nomination of candidates, and a second municipal election shall be held to fill said office. The two candidates receiving the highest number of votes for the respective offices at such first election shall be the only candidates at such second municipal election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to have become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidate who shall receive the highest number of votes at such second municipal election shall be declared elected to such office.

Second  
election

22. The second municipal election, if necessary to be held, shall be held three weeks after the first election.

Provisions  
that  
govern

23. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second municipal election, except that notice of the election be published twice in the official newspaper; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Failure to  
qualify

24. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informal-  
ties

25. No informalities in conducting municipal elections shall invalidate the same, if the election has been conducted fairly and in substantial conformity to the requirements of this charter.

Provisions  
of state  
law to  
govern.

SECTION 4. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *pro-*

*vided*, that the legislative body shall meet as a canvassing board and duly canvass the election returns within seven days after any municipal election.

SECTION 5 All officers provided to be elected by this article shall take office on the first Monday in July, next after their election, except the board of education. In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

When officers take office.

SECTION 6. In the event of a vacancy in the legislative body a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the legislative body shall fill such vacancy until the next municipal election.

Filling vacancy

SECTION 7. The legislative body shall have the power to submit to the electors of said city, at any election, any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

Submitting questions.

SECTION 8. *Terms of officers.* At the first election after the adoption of this charter, the commissioner of public affairs, the commissioner of public property, and the commissioner of finance and accounting shall be elected for a term expiring the first Monday in July, 1917, and the commissioner of public safety, and the commissioner of public works, the auditor, the attorney, and the police judge shall be elected by the qualified electors of the city of Long Beach, for a term expiring the first Monday in July, 1919, and until their successors are elected and qualified, and thereafter said elective officers shall be elected for a term of four years; *provided, always*, that the tenure herein fixed shall be subject to right of recall, as provided in this charter.

Terms of officers.

SECTION 9. *Qualifications.* Each commissioner must be at least twenty-five years of age, not in litigation against the city when elected, and must for four years next preceding the date of his election have been a bona fide resident and qualified elector of the city of Long Beach or territory legally annexed thereto.

Qualifications.

SECTION 10. Duties of commissioners:

1. *Commissioner of public affairs.* The commissioner of public affairs shall be superintendent of the department of public affairs, which shall include all charitable, correctional and reformatory institutions and agencies belonging to the city; the use of all recreational facilities of the city, including all parks, play grounds, civic beautification and libraries; he shall have charge of the inspection and supervision of all public amusements and entertainments; he shall provide for the study of and the research into causes of poverty, delinquency, crime and disease, and other social problems in the community, and

Duties of commissioner of public affairs

shall, by the means of lectures and exhibits, promote the education and understanding of the community in matters which affect the public welfare

Commissioner of public property.

2. *Commissioner of public property.* The commissioner of public property shall be the superintendent of and have charge of the department of public property, which shall include water works, and other public utilities and properties that are not delegated to other departments.

Commissioner of finance and accounting

3. *Commissioner of finance and accounting.* The commissioner of finance and accounting shall be superintendent of and have charge of the department of finance and accounting, city clerk and force, treasurer, assessor, taxes, licenses, rents, bond issues, special assessments, printing, city hall and city financial affairs generally.

Commissioner of public safety

4. *Commissioner of public safety.* The commissioner of public safety shall be superintendent of and have charge of the department of public safety, which shall include the police department, and city jail, the fire department, and buildings and property pertaining thereto; the health department and city hospitals, the collection and disposal of garbage and rubbish, and the sanitation and sewer regulations.

Commissioner of public works

5. *Commissioner of public works.* The commissioner of public works shall be superintendent of and have charge of the department of public works, which shall include the opening, grading, paving, curbing, or otherwise improving, lighting, cleaning, repairing, and sprinkling the public streets; sewers, viaducts, piers, docks and bridge construction, sidewalks and crossings, the city engineering department, building, lighting and heating departments, including gas, electrical, plumbing, and building inspectors and inspection of gas and electrical meters; and in addition thereto, shall perform such duties as are required by law to be performed by a mayor or common council or board of public works, with reference to the improvement of streets.

Assignment of duties.

SECTION 11. *The board may assign duties to other departments.* The legislative body shall have the power to assign duties not specifically named in this charter to any department to which said duties may properly belong.

Monthly reports of commissioners

SECTION 12. *Monthly reports of commissioners.* The commissioner superintending each of said departments shall fully, and in writing, report monthly to the legislative body the condition of his department, which reports shall be filed and preserved, and the legislative body may, at any time, request from any of the commissioners or officers of the city specific information on any municipal matter, and may require the presence of any officer or employee before the legislative body to answer such questions as may be put to him touching the matters pertaining to his office.

Office and business hours

SECTION 13. *Office and business hours of commissioners.* Said commissioners shall have and hold their offices at the city hall or seat of city government; and every officer or employee of the city, provided for by this charter, shall devote his entire

time to the duties of his or her office during regular working hours; and all city offices provided for by this charter shall remain open to the public for eight hours for each day of the year. Sundays and holidays excepted.

SECTION 14. *Officers elected by the legislative body.* The legislative body shall, at their first meeting, or as soon as practicable thereafter, elect by a majority vote, the following officers: Treasurer, tax and license collector, clerk, assessor, and a civil service commission, and may create such other offices and appoint such other officers and assistants as shall be provided for by ordinance, necessary to the proper and efficient conduct of the affairs of the city. The legislative body shall, by ordinance, fix and prescribe the salaries and duties of the several officers and employees created and appointed by them.

Officers elected by the legislative body.

SECTION 15. *How nominated and elected.* The first officer in rank appointed in each department under this charter shall be nominated by the heads of each of the five departments, and confirmed by a majority vote of the legislative body. The legislative body may from time to time, by a majority vote, create or discontinue offices and municipal employments and prescribe and alter the compensation of any officer or employee of the city, except the elective officers. Each officer or employee herein, or as may appertain to his office or employment, and in addition such duties as may be imposed upon him by the legislative body; each appointive officer or employee being subject to the general superintendence of the commissioner of his department. The legislative body may require any employee of the city to perform duties in the same civil service classification in any department.

How nominated and elected

SECTION 16. *How nominated and elected.* All officers to be appointed by the commissioners shall be selected in the following manner: The commissioner in whose department the duties of the officer are to be performed shall nominate him, and said nomination must be confirmed by the votes of at least three commissioners. Said appointees so elected by the commissioners shall hold office for a period of two years, and subject to removal at any time by a vote of four-fifths of all the commissioners, except those under civil service.

How nominated and elected

SECTION 17. *May not hold office.* No person holding a salaried office under the United States government or the State of California, notaries public excepted, or any state or municipality, or any agent or employee of any public service corporation doing business in the city shall hold any position under this city.

May not hold office

SECTION 18. *No compensation except salary.* No officer or employee of the city shall receive for his services to the city any further compensation than specified in the salary attaching to his position. No person shall be permitted under any circumstances to draw more than one salary from the city for any and all services, and all fees collected shall be accounted for by the proper officer and turned over to the treasurer.

No compensation except salary.

Commissioner can not accept newly created office.

SECTION 19. *Commissioner can not accept newly created office.* No commissioner shall be appointed to any office created by the legislative body until the expiration of one year after his official connection with the city shall have been severed.

## ARTICLE V.

### EXECUTIVE.

Election of mayor.

SECTION 1. *Election of mayor.* At the first meeting of the commissioners they shall elect one member thereof as president of the legislative body, who shall be designated as the "Mayor of the city of Long Beach," and the said member so elected shall serve as such mayor for the term for which he was elected, and until his successor is so elected and qualified.

Duties of mayor.

SECTION 2. *Duties of mayor.* The mayor shall preside at all sessions of the legislative body, and shall act as spokesman of the body; he shall have charge of all civic functions, and perform the social duties usually appertaining to the position of mayor.

Executive duties of mayor.

SECTION 3. *Executive duties of mayor.* He shall, in behalf of the city, sign all contracts and other documents of every kind and nature to which the city is a party, except as is otherwise provided in this charter, and shall perform such other ministerial functions as the legislative body may from time to time direct. In addition to other duties imposed upon him by the state and municipal laws and the legislative body, he shall approve all bonds of officers, except the bonds of the five commissioners, which shall be approved by the city attorney.

Quorum.

SECTION 4. *Quorum.* Three of the commissioners shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, or may compel the attendance of other members in such manner and under such penalties as the legislative body may prescribe, and shall hold public meetings at least once a week, for the transaction of business, and no legislation shall be enacted except at public meetings.

Mayor pro tempore.

SECTION 5. *Mayor pro tempore.* The legislative body shall have the power to elect one of their number to act as president during the absence or inability of the mayor to act, who shall exercise all the powers of the mayor.

## ARTICLE VI.

### JUDICIAL.

Police court

SECTION 1. There is hereby created and established in and for the city of Long Beach a police court, which is hereby vested with the judicial powers of the city.

Police judge

SECTION 2. The police court shall be presided over by the police judge, who shall be elected by the qualified electors of the city, and shall serve for a term of four years and until his successor is elected and qualified.

SECTION 3. The police judge shall be a bona fide resident and qualified elector of the city of Long Beach for the four years next preceding the date of his election. Qualifications.

SECTION 4. The said police judge shall have jurisdiction of the following offenses committed within the corporate limits of the city: Jurisdiction

1. Petit larceny.

2. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties or to have been committed with such intent as to render the offense a felony.

3. Breaches of peace, riots, affrays, committing a willful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, or both such fine and imprisonment.

The said police court shall have exclusive jurisdiction:

1. Of all proceedings for the violation of any ordinance of the city, both civil and criminal. Exclusive jurisdiction.

2. Of any action for the collection of taxes or assessments levied for any city purpose, when the amount of the tax or assessment sought to be collected of the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessment can be foreclosed in such action.

3. Of any action for the collection of any money payable to the city or from the city to any person when the amount sought to be collected, exclusive of the interests and costs, is less than three hundred dollars.

4. For the breach of any official bond given by any city officer, or for the breach of any contract and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than three hundred dollars.

5. For the recovery of personal property belonging to the city, when the value of the property, exclusive of damages for the taking or detention, is less than three hundred dollars.

SECTION 5. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court, and may issue warrants of arrest, subpœnas, venire, executions and all other processes necessary and proper, and may administer oaths. Contempt of court.

SECTION 6. In all cases in which the police judge is interested or in which he is related to a party to the action or proceeding, either by consanguinity or affinity within the third degree, and in case of his absence, sickness, or inability to act, any justice of the peace of Los Angeles county may, at the written request of the police judge, act in his stead. When judge is unable to act

SECTION 7. The police judge shall keep a record of the proceedings of the police court in all matters and cases before said Records

court, and shall pay weekly into the city treasury all fines and other moneys received by him, belonging to the city. He shall, on or before the tenth day of each and every month, file with the auditor, an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city.

**Quarters** SECTION 8. The city shall furnish suitable quarters for said police court, and the necessary supplies therefor.

**Fees.** SECTION 9. All fees received or collected by said court shall be the property of the city.

**Rules of practice** SECTION 10. The rules of practice and modes of procedure in the police court shall be the same as are, or may be, prescribed by ---- law for justice courts, in like cases, and appeals may be taken to the superior court of the county from all judgments of said police court in like manner, and with like effect as in cases of appeals from justice courts.

## ARTICLE VII.

### LEGAL.

**City attorney and assistants.** SECTION 1. The legal department of the city of Long Beach shall consist of the city attorney, one assistant city attorney, a stenographer, and such deputies, clerks and other employees as may from time to time be authorized by the legislative body of said city.

**Qualifications.** SECTION 2. The city attorney shall be a bona fide resident and a qualified elector of the city of Long Beach for at least four years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor has been elected and qualified. The city attorney must be qualified to practice in all the courts of the state, and must have been so qualified for at least five years next preceding his election.

**Duties** SECTION 3. The city attorney shall prosecute, on behalf of the people, all criminal cases arising from violation of the ordinances of the city, shall attend to all suits, matters and proceedings in which the city may legally be interested; and shall defend all suits for damages instituted against officers and employees and former officers and employees for acts performed by them in the furtherance of their duty while in the employ of said city.

**Litigation of city.** *Provided*, that the legislative body shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney therein.

**To advise commissioners.** SECTION 4. The city attorney shall be in attendance at every regular meeting of the legislative body, and shall give his advice or opinion in writing, whenever so required to do by the legislative body or any of the commissioners or officers of the city.

**To approve bonds and contracts** SECTION 5. The city attorney shall approve the form of all bonds given to the city, and all contracts before the same are entered into on behalf of the city, and shall endorse his approval

thereon in writing. He shall, whenever required by the legislative body, or any member thereof, draft any or all the proposed ordinances for the city or amendments thereto, and shall do and perform all such things touching his office as the legislative body may require of him.

SECTION 6. The city attorney shall keep on file in his office copies of all written communications and opinions given by him to any commissioner, officer or department; copies of all papers and briefs used by him in cases wherein he appears, and books of record and registry of all actions or proceedings in his charge in which the city or any officer thereof is a party or interested, and on vacating his office shall surrender all such books, files and documents pertaining to the city's business to his successor.

Copies of opinions, etc.

SECTION 7. The city attorney shall appoint an assistant city attorney, and a stenographer, and such other deputies, clerks and other employees as the legislative body shall prescribe. *Provided*, that the assistant city attorney must, at the time of his appointment, have been a resident of the city of Long Beach and a qualified elector thereof for at least two years next preceding his appointment, and must have been for said period of two years next preceding his appointment qualified to practice in all the courts of the state.

Assistant, stenographer, etc

SECTION 8. The assistant city attorney, the stenographer, and such other deputies, clerks and employees shall receive such compensation for their services as may be prescribed and authorized by ordinance by the legislative body.

Salaries

### ARTICLE VIII.

#### AUDITOR.

SECTION 1. The auditor shall appoint a chief deputy, and such other deputies and clerks as the legislative body may by ordinance provide.

Deputy auditor.

SECTION 2. It shall be the duty of the city auditor to audit all demands made upon the city and to issue warrants upon the treasurer for the payment of all demands as provided herein.

Duties of auditor.

SECTION 3. He shall be constantly acquainted with the exact condition of the treasury, and shall apportion among the several funds all money not by law or ordinance specifically apportioned or appropriated, and forthwith notify the treasurer of such apportionment or appropriation.

Apportionment to funds

SECTION 4. He shall keep a record of all business transacted in his office, and said record shall be open for inspection during office hours.

Records

SECTION 5. He shall make a report to the legislative body, on or before the tenth day of every month, of all moneys paid to the city treasurer and funds to which said moneys have been apportioned and the amount of the warrants ordered paid from each fund during the preceding month.

Monthly reports

Money  
due city.

SECTION 6. All money due and payable to the city shall be paid to the treasurer on order of the auditor, designating the fund in which said money shall be deposited.

Drawing  
money from  
treasury

SECTION 7. Money shall be drawn from the treasury only upon warrants issued by the auditor as herein authorized. Every demand against the city, from whatever source, and every demand against the public library fund must first be endorsed by the head of the department in which such demand originated, and shall be signed by the commissioner of finance and accounting, on order of the legislative body, before being presented to the auditor.

Improper  
claims.

SECTION 8. If the auditor, upon examination, believes that any demand is not a proper claim against the city, he shall immediately return said demand to the legislative body, with his objections endorsed thereon. Said demand shall again be considered by the legislative body, and if it shall again be approved by them and endorsed as required by this charter, the said objections of the auditor shall be thereby overruled. Any demand upon which the objections of the auditor has been overruled by the legislative body shall be again returned to the auditor, who shall issue a warrant upon the treasurer for the same, in like manner as if it had been approved by him. If the demand is allowed, in whole or in part, he shall number the demand and endorse upon it the word "allowed" and the date of such allowance and sign his name thereto, and shall issue a warrant upon the treasurer for the amount allowed, number the warrant the same as the demand, and file the demand in his office. No demand shall be approved, allowed or ordered paid unless it specify each item and the date thereof.

Compute  
tax rate.

SECTION 9. It shall be the duty of the auditor, within the time provided by ordinance, to compute the tax rate for the various sections of the city and submit the same to the legislative body.

Report of  
money  
collected

SECTION 10. The auditor shall demand of every officer a report to him, on or before the fifth day of every month, of all moneys belonging to or for the use of the city, collected by said officer during the preceding month, and shall cause the same to be immediately deposited in the city treasury, as required by this charter.

SECTION 11. He shall perform such other duties as may be required of him by ordinance or by this charter.

## ARTICLE IX.

### CIVIL SERVICE.

Civil  
service  
commis-  
sioners

SECTION 1. The legislative body, at their first meeting, or within ten days thereafter, shall appoint three electors of the city as civil service commissioners, who shall have been bona fide residents and qualified electors of the city of Long Beach for at least four years next preceding such appointment; one of said commissioners to serve for two years, one

for four years and one for six years, or until their successors have been appointed and have qualified. Said civil service commissioners shall not hold any other public office.

SECTION 2. *Removal, equipment, officers.* The legislative body may remove any of said civil service commissioners during their term of office for cause, four commissioners of the legislative body voting in favor of such removal and shall fill any vacancy that may occur in said civil service commission for the unexpired term. The legislative body shall provide suitable accommodations and equipment to enable the civil service commission to properly attend to its business. Said civil service commission shall elect a president, a vice-president and clerk. Said clerk shall keep a record of all its meetings and of the work of said board, and shall perform such other services as the civil service commission may require.

SECTION 3. *Salaries.* The salaries of the civil service commission and said clerk, or other employees shall be determined by the legislative body, and a sufficient sum shall be apportioned each year to carry out the civil service provisions of this charter.

SECTION 4. *Classification.* Said civil service commission shall classify all the offices and places of employment, mentioned as hereinafter provided. The offices and places so classified by the civil service commission shall constitute the classified civil service of said city, and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned.

SECTION 5. *Rules.* Said civil service commission shall make rules, subject to the confirmation of the legislative body, to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the civil service commission may, from time to time, make changes, subject to the confirmation of the legislative body, in such rules.

SECTION 6. *Publication of rules.* All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said civil service commission. The said civil service commission shall give notice by one publication in the official newspaper of the city, the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

SECTION 7. *Examination.* All applications for office, places or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of

the position to which they seek to be appointed. No question in any examination shall relate to politics or religious opinions or affiliations. The civil service commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Notice

SECTION 8. *Notice.* Notice of time, place and general scope of every examination shall be given by the civil service commission by publication once a week for two weeks preceding such examination in the official newspaper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office two weeks before such examination.

Registration

SECTION 9. *Registration.* From the examinations made by the civil service commission it shall prepare a register, in each grade or class of position in the classified civil service, of the person whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said civil service commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by their examinations, without reference to priority of the date of examination.

Promotions

SECTION 10. *Promotions.* The civil service commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the civil service commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Exceptions  
in  
promotions

SECTION 11. *Exceptions in promotions.* Any civil service employee who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the civil service commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said civil service commission, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The civil service commissioners, shall not place such person so injured as aforesaid at the head of any eligible list without carefully examining the facts of each case, and making its finding that such person is not incompetent, by reason of physical or other disability, to fill the same. Nothing in this

provision shall be construed as compelling said civil service commission to take the action herein provided for unless the person injured is, in the judgment of said civil service commission of good moral character and worthy of receiving the benefits hereof.

SECTION 12. *Requisitions.* The head of the department in which a position, classified under this article, is to be filled, shall notify said civil service commission of that fact, and said civil service commission shall certify to such officer the name and address of one or more candidates not to exceed five standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said civil service commission, or the appointing power specify sex. Said appointing officer or department shall notify said civil service commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission thereof. The candidate thus appointed shall be employed on probation for a period of six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said civil service commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said civil service commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or any officer or board may, under such regulations as the civil service commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

SECTION 13. *Departments under civil service.* The following departments of the city are placed under civil service:

- Police department;
- Fire department;
- Health department;
- City clerk department, except the city clerk and chief deputy.

SECTION 14. *Reports.* Immediate notice in writing shall be given by the appointing powers, to said civil service commission of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service,

and of the date thereof, and a record of the same shall be kept by said civil service commission. When any office or place of employment is created or abolished or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said civil service commission.

Investiga-  
tions.

SECTION 15. *Investigations.* The civil service commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Annual and  
special  
reports.

SECTION 16. *Annual and special reports.* Said civil service commission shall make a full report to the legislative body, on or before the 5th day of July in each year for the preceding fiscal year. The legislative body may require a special report from said civil service commission at any time.

Officers  
inhibited.

SECTION 17. *Officers inhibited.* No officer or other person shall wilfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, of being employed, appointed or promoted.

Applicants  
inhibited

SECTION 18. *Applicants inhibited.* No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employee shall pay or promise to pay, either directly or indirectly, any money or other valuable thing whatever for or on account of his promotion.

Auditing  
and  
accounting  
officers  
enjoined

SECTION 19. *Auditing and accounting officers enjoined.* The auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employee of such city, before the appointment of such person to the classified civil service has been certified, nor after the civil service commission shall have certified to the auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

Employees  
now in  
office.

SECTION 20. *Tenure of officers and employees in present employments.* All officers and employees who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as

provided herein. All officers and employees who, at the time of taking effect of this article, would be included in the classified civil service but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this article, be deemed to be serving under probation, and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

SECTION 21. *Penalties for violation.* The legislative body shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article. Penalties for violation.

SECTION 22. *Qualifications.* No person shall be admitted to examination who would be ineligible to appointment. The applications shall be made under oath in such form and manner as the civil service commission may prescribe. Examination papers shall be rated on a scale of one hundred, and the subjects therein shall be given such relative weight as the civil service commission may prescribe. Each competitor shall be duly notified of his rating. Qualifications

SECTION 23. *Removal.* Any officer or employee of the city under civil service may be removed for cause, in the following manner: If a complaint, in writing, is filed with the civil service commission, the said commission, upon the request of the accused, shall grant to such person a public hearing. If the civil service commission finds that the evidence presented at such public hearing is sufficient the accused shall be forthwith removed from his office. If the said commission finds the evidence presented at such public hearing is insufficient, it shall cause his retention in office or employment. The civil service commission shall have power to suspend, without pay, pending a public hearing, any officer or employee against whom charges have been preferred; *provided*, that if the accused is not dismissed from office or employment he shall receive pay for the time of his suspension. Removal.

## ARTICLE X.

### LEGISLATIVE.

SECTION 1. The legislative powers of the city shall be vested in its five commissioners. Legislative powers.

SECTION 2. Ordinances and resolutions are the formal acts of the legislative body reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the legislative body and spread upon the minutes. No ordinance shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and neither ordinance nor resolution shall be of full force and effect unless it shall have received the affirmative vote of three members of the legislative body. Ordinances and resolutions

Enacting  
clause.

SECTION 3. The enacting clause of all ordinances shall be: "The Legislative Body of the City of Long Beach ordains as follows:"

Publication.

SECTION 4. All ordinances, resolutions, and all official notices authorized by the legislative body under this charter shall be published at least once in the official newspaper of the city, or, at the option of the legislative body, may be posted in three conspicuous places in the city.

Powers.

SECTION 5. The legislative body shall have power:

1. To fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer by fine of not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

2. To make and pass all ordinances, resolutions and orders not repugnant to the constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter.

3. To provide for the lighting of the streets and public buildings and places of the city, and to regulate such lighting.

4. To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all electric and gas meters, within the city, and to provide for the inspection of such meters.

5. To regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city.

6. To cause the removal and placing underground of all telephone, telegraph, electric light, or other wires within the city or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the city.

7. To establish, license and regulate markets and market houses.

8. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, adulterated or unwholesome products.

9. To provide for the inspection of and to regulate the sale of bread within the city, and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

hay, straw, and coal, and any other commodity and the selling **Powers.** of the same, and the measuring and selling of firewood within the limits of the city.

11. To provide for the inspection and selling of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

12. To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundation and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partitions and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

13. To require the owners and lessees of buildings and other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire.

14. To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish or any combustible material, in unsafe places, and to make other provisions to guard against fire.

15. To prescribe the fire limits and determine the character and height of buildings that may be erected therein, and the nature of the material to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limits.

16. To regulate the entrance to and exit from all theatres, lecture rooms, public halls, school houses, churches, and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or other open places therein.

17. To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses or other structures, apparatus and operations hazardous to life and property, and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines,

## Powers.

dynamos and other apparatus generating steam, electricity or other power.

18. To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.

19. To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition.

20. To provide for the inspection and regulation of all dairies within the city limits, and to provide for the inspection and regulation of all dairies outside the city limits that offer for sale or sell any of their products within the city.

21. To provide for the naming of the streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards, or signs across the streets, sidewalks, or other public places of the city.

22. To prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to establish stands for hacks, public carriages, express wagons and other public vehicles for hire, and regulate the charges for the use of such hacks, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles

23. To regulate street railroads, their tracks and cars, to compel the owners of two or more of such roads using the same street, for any distance not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

24. To prohibit the injury or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

25. To grant the right to erect or lay telegraph or telephone wires, or lay conduits for transmitting electrical energy for lighting or power purposes along or upon the public streets or highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises.

26. To make arrangements for the care, feeding and clothing of all persons in prison by municipal authority or sentenced to imprisonment by the police court, and to provide that all such persons shall work upon the streets, or do other public work.

27. To restrain or punish vagrants, mendicants, street beggars and lewd persons, and prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent

and punish drunkenness and all obnoxious, offensive, immoral, Powers, indecent and disorderly conduct and practices in the city.

28. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases: to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city: to regulate, control and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious diseases.

29. To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

30. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

31. To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.

32. To adopt and enforce, by ordinance, all such measures and to establish all such regulations, in case no express provision is in this charter made, as the legislative body may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

33. To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality.

34. To adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

35. Whenever the legislative body shall determine that the public interest requires the construction, acquisition, completion or repair of any improvement or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a bonded indebtedness for such purposes and proceed therein as provided in section 18, of article XI of the constitution of this state and the general law or laws thereof; *provided*, that such indebtedness shall not bear more than five per cent interest per annum and that no bond issued therefor shall be sold for less than par nor to any other than to the highest bidder, after advertising for sealed proposals therefor; *and provided*, that several propositions for the issue of bonds may be submitted at one special or general municipal election.

36. The legislative body shall keep a record of all its proceedings, showing the aye and nay vote in all matters voted upon by said body, and said records shall be open to the public at the office of the city clerk during regular business hours.

## ARTICLE XI.

## POLICE.

**Police department.** SECTION 1. The police department of the city of Long Beach shall be under the commissioner of public safety.

**Appointments.** SECTION 2. *Appointments.* The appointment of officers and members of the police department shall be made by the commissioner of public safety, under such civil service regulations as may be in effect.

**Officers.** SECTION 3. *Officers.* The police department shall consist of the chief of police and as many subordinate officers and regular policemen as the legislative body, by ordinance, may from time to time determine.

**Qualifications.** SECTION 4. *Qualifications.* No policeman shall be eligible for appointment who is not a bona fide resident and a qualified elector of the city of Long Beach for at least two years prior to his appointment.

**Chief of police—qualifications, salary, duties.** SECTION 5. *Chief of police—Qualifications, salary, duties, powers and bond.* The chief of police shall be appointed by the commissioner of public safety subject to civil service regulations; he shall be the chief police officer of the city; he shall be a bona fide resident and qualified elector of the city of Long Beach for at least four years preceding the date of his appointment, and shall be at least twenty-five years of age. He shall receive for his services such compensation as may be fixed by ordinance by the legislative body.

1st. It shall be his duty to arrest without warrant all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever in his presence or upon complaint of any citizen. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theatre, pool hall, or any other place or building of public resort, and in the prosecution and suppression of crime and the arrest of offenders he shall have, possess and exercise like powers, authority and jurisdiction as the sheriff of the county, under the laws of the state.

2nd. He shall perform such other duties and possess such other powers, rights and authority as the commissioner of public safety may designate, or that the legislative body may by ordinance require or confer.

3rd. He shall have the right to suspend any police officer of the police department for ten days, without pay, for any insubordination or conduct unbecoming an officer, and upon the request of the officer so suspended shall report the same in writing to the commissioner of public safety.

**Powers of commissioner of public safety.** SECTION 6. The commissioner of public safety shall have power:

1. To suspend or remove for cause any person from the police force, subject to civil service regulations, and shall reduce said force whenever so directed by the legislative body;

prescribe rules and regulations for the government of the force, and fix and enforce penalties for their violation. Powers of commissioner of public safety.

2. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members and employees of said department.

3. To appoint special policemen, who shall be under the supervision and control of the chief of police, and to remove same at pleasure; *provided, however*, that the compensation of said policemen shall not be a charge against the city unless appointed by authority of the legislative body.

SECTION 7. The commissioner of public safety shall have the custody and control of all the property and equipment belonging to or hereafter acquired by the police department.

SECTION 8. The commissioner of public safety shall prescribe the necessary rules and regulations to carry into execution all powers vested in him by this charter, or by any ordinance of the legislative body, passed pursuant thereto, or by the constitution and laws of this state.

## ARTICLE XII.

### FIRE DEPARTMENT.

SECTION 1. The fire department of the city of Long Beach shall be under the control of the commissioner of public safety. Fire department.

SECTION 2. The appointment of officers and members of the fire department shall be made by the commissioner of public safety, subject to such civil service regulations as may be in effect.

SECTION 3. The fire department shall consist of a fire chief and such other officers and employees as the legislative body may by ordinance determine.

SECTION 4. *Qualifications.* No fireman shall be eligible for appointment who is not a bona fide resident and a qualified elector of the city of Long Beach for at least two years prior to his appointment. Qualifications.

SECTION 5. *Chief of the fire department.* The chief of the fire department shall be appointed by the commissioner of public safety, under such civil service regulations as may be in effect; he shall be a bona fide resident and qualified elector of the city of Long Beach for at least four years preceding the date of his appointment, and shall be at least twenty-five years of age. He shall receive for his services such compensation as may be fixed by ordinance by the legislative body. Chief of the fire department.

1st. He shall perform such duties and possess such powers, rights and authority as the commissioner of public safety may designate, or that the legislative body may by ordinance require or confer. Duties and powers.

2nd. He shall have the right to suspend any officer or employee of the department for ten days, without pay, for any insubordination or conduct unbecoming an officer, and upon the request of the officer so suspended shall report the same in writing to the commissioner of public safety.

Powers of  
commis-  
sioner of  
public  
safety.

SECTION 6. The commissioner of public safety shall have power:

1st. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employees of said department.

2nd To make rules and regulations to carry into execution all powers vested in said commissioner of public safety by this charter, or by any ordinance of the legislative body passed pursuant thereto, or by the constitution or the laws of this state.

SECTION 7. The commissioner of public safety shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables, and all other property and equipment now belonging to or hereafter used by or belonging to the fire department

SECTION 8. The commissioner of public safety shall report to the legislative body the necessity for additional apparatus, material and supplies, and for alterations and repairs required, but the action of the commissioner of public safety with respect to the necessity of these matters, shall be advisory only to the legislative body, and no increase in the same shall be made until authorized by the legislative body.

SECTION 9. The commissioner of public safety shall have power to make repairs upon engines and other property under his control when the cost thereof does not exceed the sum of three hundred dollars.

### ARTICLE XIII.

#### HEALTH AND SANITATION.

Health and  
sanitation

SECTION 1. There shall be a department of public health and sanitation under the administration and control of the commissioner of public safety.

Powers.

1. The commissioner of public safety and said health department shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants; and full power is hereby given said commissioner of public safety and said department to supervise, control and regulate, among other things:

1. Defective drainage and sewage disposal.

2 Nuisances of every description.

Food.

3. The care, preparation, manufacture and sale of all articles of food or drink, or anything used for human consumption; and to fix and prescribe: Quarantine and other regulations framed to prevent the spread of infectious, communicable or contagious diseases dangerous to the public health, including the establishment and maintenance of an isolated hospital, and the removal thereto of any person in the city affected with an infectious, communicable or contagious disease which it shall be impossible so to quarantine and regulate in the dwelling of said person as to safeguard the public health and including the power, when a case of disease

Diseases.

suspected to be infectious, communicable, contagious or dangerous to the public health is reported to the health department, to visit the premises where such case is reported as being and examine the condition of such person; to supervise, control and regulate the relief of the indigent sick and wounded in the city, including the establishment and maintenance of a free dispensary and emergency hospital.

4. To regulate or prohibit the manner and place of killing and dressing any animal, fowl, bird or fish, not already regulated or prohibited by general law. And to compel the owners or occupants of property to keep the same free from anything obnoxious, filthy or dangerous to the public health.

Killing and dressing of animals.

SECTION 2. The principal officer and executive of said department shall be the health officer, who shall be nominated by the commissioner of public safety and appointed subject to such civil service regulations as may be in effect. Said health officer shall be a graduate of a reputable medical college licensed to practice in the State of California, and shall have practiced medicine and been a bona fide resident and qualified elector of this city for at least four years next preceding the date of his appointment, and shall hold office at the will of the legislative body, under the civil service regulations of the city. He shall have authority under the commissioner of public safety, over all employees and officers of the health department.

Health officer

SECTION 3. The subordinate officers of the department shall be: A sanitary inspector, a city bacteriologist, who shall be a graduate of a recognized university and of at least five years' experience in analytical chemistry; a milk and dairy inspector, who shall be veterinary surgeon, qualified by law to practice in this state, and of at least five years' experience practice; and such deputies and assistants as the legislative body may deem necessary. The legislative body may, by ordinance, provide for such other subordinate officers and assistants as may be necessary, but the health officer may himself perform the duties of one or more subordinate officers, and may assign to one individual the duties of two or more such offices

Subordinate officers

SECTION 4. The health officer, with the approval of the commissioner of public safety, shall prescribe rules, regulations and requirements not in conflict with this charter, the ordinances of the city or the general law, for the conduct of the business of the department, the preservation of public health, and the maintenance of proper sanitary conditions within the city, including such forms and regulations for the government of physicians, undertakers, and the administrators of cemeteries as shall be designed to preserve reliable vital and mortality statistics within and pertaining to said city.

Rules, regulations.

SECTION 5. The commissioner of public safety, the health officer or any authorized inspector of the department shall inspect, when called upon by any person, and when in his or their judgment it seems necessary, any and all things offered for sale, or to be given away or given in exchange for use as food or drink, or for human consumption, and shall have

Inspection of foods, etc.

the right to enter at any time for the purpose of making such examination or inspection any place or building, where anything for use as food or drink, or for human consumption is stored, manufactured, kept for sale or to be given away or given in exchange; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner of public safety or by said health officer or any authorized inspector of the department to be unfit for food or drink or for human consumption, but all such articles must be seized and destroyed by said commissioner of public safety, health officer, or authorized inspector.

Enforcement  
of health  
laws.

SECTION 6. The health officer shall enforce all ordinances and laws relating to health, and shall perform all duties and have all the powers provided by general law relative to the public health to be exercised in municipalities by health officers; *provided*, that regulations affecting the public health additional to those established by general law and for the violation of which penalties are imposed may be enacted by the legislative body and enforced as provided herein.

May close  
unsanitary  
places.

SECTION 7. When the commissioner of public safety, the health officer, or any authorized inspector of the department shall have inspected any place or building used for the storage, manufacture, sale or giving away or exchanging of anything used for food or drink or human consumption, and shall have found such place or building to be so filthy or unsanitary or the methods or practices therein used so filthy or unsanitary as to endanger the public health, said commissioner of public safety, health officer or inspector shall post at the entrance of said building or place notice of such inspection and finding, and shall maintain such notice until the conditions or practices dangerous to the public health shall have been remedied or abated, and shall close such place or building and prevent its use for the storage, manufacture, sale, giving away or exchange of anything for use for food, drink or human consumption, until said place or building shall be put in such condition and so used as no longer to endanger the public health.

Inspection  
of school  
buildings.

SECTION 8. The health officer shall visit periodically all public buildings and school houses in the city, and examine the manner in which they are lighted, ventilated and heated, and their sanitary condition, and report his findings thereupon in writing to the commissioner of public safety at least quarterly.

Infectious  
diseases.

SECTION 9. The health officer shall certify to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable or contagious diseases as may be listed by the health department so to be certified.

Enforcement  
of health  
laws.

SECTION 10. The health officer shall see to it that the laws of the state and ordinances of the city relative to public health and sanitation and all rules, regulations, orders and requirements of the health department are promptly enforced. The commissioner of public safety, the health officer and any other regularly appointed employee of the health department

shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and sanitation of the city

SECTION 11. It shall be the duty of the commissioner of public safety and of the health officer to abate, or cause to be abated, any and all nuisances within the city limits that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure or other substances that are, or may become breeding places or food for mosquitoes, flies, rats, or other disease-carrying insects or animals, are hereby declared to be nuisances within the meaning of this section. Whenever any such nuisance exists within the city limits, the commissioner of public safety, or health officer shall, upon acquiring knowledge thereof, order the owner or occupant of the premises whereon such nuisance exists, to abate or remove the same within such time as shall be specified in the order. If the owner or occupant of such premises, fails, neglects or refuses to obey such order, or if the premises be unoccupied and the owner, or his agent, can not be found upon reasonable inquiry, the commissioner of public safety, or health officer shall proceed summarily to abate or remove such nuisance and shall defray the expenses thereof out of any moneys in the city treasury available for such purpose. All expenditures so incurred shall be charged against the owner, and shall be a lien upon the lot and premises whereupon such nuisance existed. It shall be the duty of the commissioner of public safety or health officer to forward forthwith to the city attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the city attorney to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the city, together with all costs and charges of collection

Abatement  
of  
nuisances.

SECTION 12. The health officer shall enforce all rules and regulations which may be adopted for the carrying out and enforcement of a good sanitary condition in the city; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; securing the proper registration of births, deaths and other statistical information. He shall from time to time submit to the legislative body a draft of such ordinances, rules and regulations as it may deem necessary to promote the objects mentioned in this section.

Sanitation  
of city.

SECTION 13. The health officer shall have the power of a police officer, and shall make an extended annual report to the commissioner of public safety of the affairs pertaining to his

Power of  
police  
officer.

office, including mortuary and other statistics with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

Burials.

SECTION 14. The health officer shall issue all permits for burials, exhumations and cremations within the city limits or within the cemeteries owned or controlled by the city, and shall exercise over cemeteries without the city such control and supervision as is by general law provided. No interment, cremation or exhumation shall be made in any cemetery within the city, or in any cemetery within the city's jurisdiction, unless the health officer or responsible subordinate is satisfied of the correctness and reliability of the certificate of death presented for his inspection. The health officer or his responsible subordinate shall keep such records, make such reports and perform such duties in relation to cemeteries and the disposal of the dead as may be required of him by general law, by this charter, by ordinance or by the rules, regulations and requirements of the health department.

Annual report.

SECTION 15. The health officer shall make to the commissioner of public health an annual report, and may at any time be required to make special reports, concerning the health and sanitation of the city, with his observations and recommendations thereupon, together with mortuary and other statistics concerning the department.

Infectious diseases

SECTION 16. Every person in the city shall promptly report to the health department every patient whom he shall have sick of an infectious, communicable or contagious disease, dangerous to the public health or a disease which the health department shall have issued official notice is to be reported; and every householder, upon reasonable notice from the department, that an occupant of his or her house is suffering from any infectious, communicable or contagious disease dangerous to the public health, shall forthwith adopt such preventative means and regulations as the department shall prescribe.

Failure to report sickness.

SECTION 17. Every person who shall fail to report such case of sickness, as required herein, and every householder, or head of family who shall knowingly conceal such case of sickness, and every person who shall so go or conduct himself or allow a minor child to so go or conduct himself upon a street or other public ground while suffering from such disease, which the health department has issued official notice is to be reported as infectious, communicable or contagious or dangerous to the public health, as to expose other persons to the danger of contracting the same disease, and every person who shall fail to comply with the rules, regulations and requirements of the health department shall be subject to such fines and penalties as the legislative body, by ordinance, may prescribe.

Administer oaths.

SECTION 18. The commissioner of public safety and the health officer shall have authority to administer oaths and require the giving of sworn testimony, in matters connected with the health department.

SECTION 19. The health officer and other officers of the health department shall receive such compensation for their services as the legislative body may by ordinance determine. Salaries.

ARTICLE XIV.

EDUCATION.

SECTION 1. The school department of the city shall comprise all the public schools within the city of Long Beach or within the territory that is now, or may hereafter be annexed thereto for school purposes, and shall be known as the Long Beach city school district, which shall succeed to all the property, rights and privileges of the former Long Beach city school district, and shall consist of kindergarten, primary, grammar and high schools, as now established, and may, at the discretion of the board of education, include intermediate, technical, vacation, industrial or night schools and detention home. School department

SECTION 2. The government of the schools will be vested in a board of education, consisting of five members, who shall have been residents of the territory included in the district for the two years next preceding the day of their election. They shall be elected by the voters of the district at large on the first Friday in April following the date on which this charter goes into effect; *provided, however,* that said members so elected at the first election of the members of the board of education held after this charter becomes effective shall so classify themselves by lot that the term of office of two of them shall be for two years and of three of them for four years, and thereafter, alternately, on the first Friday in April of each odd numbered year, there shall be elected respectively, two and three members of said board of education, whose term of office shall be four years; *provided, further,* that the members of the board of education holding office at the time this charter becomes effective shall continue to perform the duties of such office until their successors have been elected and have qualified under the provisions of this charter. The officers of the election for all school elections shall receive the sum of four dollars each as compensation for their services. Board of education

SECTION 3. All elections for members of the board of education or for issuing bonds of the school district or on propositions to be submitted to the people of the school district shall be conducted in the same manner as general elections are conducted in this state. School elections.

SECTION 4. The board of education shall enter upon the discharge of their duties on the first Monday in May after their election, and shall meet upon said day and annually thereafter and organize by electing one of their number president, and one as vice-president, whose terms of office shall be one year. Take office

1. Vacancies in the board of education shall be filled by the remaining members of the board until the next election. Vacancies.

for members of the board, and if there are no remaining members, by special election.

Meetings.

2. The board of education shall hold a regular meeting at least once a month. Special meetings may be called by the secretary at the direction of the president, or by the written request of three members; but no business shall be transacted at such meeting that has not been distinctly stated in the call.

Quorum.

3. A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for transacting any business except to adjourn when a quorum is not present.

Sessions  
Public.

4. The sessions of the board shall be public, and its minutes open to inspection. The board may determine its rules of procedure. The ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded in all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the vice-president when acting for him, and by the secretary of the board.

Powers and  
duties.

SECTION 5. The powers and duties of the board of education shall be as provided in the general law, except as hereinafter provided.

Secretary.

SECTION 6. The board of education shall elect a secretary, who shall not be a member of the board, and shall fix his salary. His duties shall be prescribed by the board. His term of office shall be at the pleasure of the board, and he shall be empowered to administer oaths.

Superin-  
tendent.

SECTION 7. The board of education shall elect a superintendent and shall fix his salary; such superintendent shall serve for a term of four years from and after the day of his election. Although not a member of the board, he shall have the rights and privileges of a member of the board, except the right to vote.

1. The superintendent shall be the executive officer of the board of education, and shall indorse all rules and regulations adopted by the board, and perform such other duties as the board shall designate.

2. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, which may be necessary for the schools for the following year.

3. He shall annually, and oftener when desired, make a full report of the condition of matters under his jurisdiction, and shall make such recommendations as he shall deem best, and such annual report shall be published by the board for the information of the public, and for exchange with other cities.

Quarters.

SECTION 8. The board shall provide suitable rooms for itself and for the superintendent, and such rooms shall be open to the public during such regular office hours as shall be established by a vote of the board.

ARTICLE XV.

LIBRARY.

SECTION 1. The public library of the city shall be under the control of the commissioner of public affairs, subject to such ordinances as may from time to time be adopted by the legislative body. Public  
Library.

SECTION 2. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of the donation or bequest, the legislative body shall, by ordinance, provide for the safety and preservation of the same and the application thereof to the use of the library, in accordance with the conditions or terms of such donation or bequest. Bequests.

ARTICLE XVI.

CITY MANAGER.

SECTION 1. If a petition, requesting that a city manager be employed, and signed by electors of this city, equal in number to fifty-one per cent of the votes cast at the last general municipal election is filed with the city clerk and verified, as required under article XXII of this charter, the legislative body shall, by ordinance, provide for the employment of a city manager, who shall have charge, superintendence and control over all the departments of the city, provided by this charter placed under the control of five commissioners, the said commissioners to continue to act only as a legislative body and to receive a salary not to exceed five hundred dollars per annum for each of the said commissioners. City  
manager.

SECTION 2. If a petition, requesting that a city manager be employed, and signed by electors equal in number to twenty-five per cent of the vote cast at the last general municipal election, is filed with the city clerk and verified, as required in article XXII of this charter, the legislative body shall, at the next general municipal election, submit the question of the employment of said city manager, as provided in section one of this article, to the qualified electors of the city, and if the proposition receives a majority of all votes cast at said election on said proposition the legislative body shall enact the same legislation as provided for in section one of this article. Question  
submitted  
to vote

SECTION 3. If a city manager is employed, as provided for in sections one or two of this article, his salary shall be fixed by the legislative body. Salary.

ARTICLE XVII.

REVENUE AND TAXATION.

SECTION 1. *The fiscal year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance. Fiscal  
year.

Tax system.

SECTION 2. *Tax system.* The legislative body shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The legislative body shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force, and to comply with the requirement thereof whereby assessments may be made by the assessor of the county in which the city of Long Beach is situated and taxes collected by the tax collector of said county for and on behalf of the city of Long Beach. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates.

SECTION 3. *Department estimates of annual requirements.* On or before the first Monday in July in each year, or on such date in each year as shall be fixed by the legislative body, the heads of departments, offices, boards and commissions shall send to the commissioner of finance and accounting a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Estimate of city's annual requirements.

SECTION 4. *Commissioner of finance and accounting's estimate of city's annual requirements and revenue.* On or before the first Monday in August in each year, or on such date in each year as shall be fixed by the legislative body, the commissioner of finance and accounting shall submit to the legislative body, an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to provide for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget.

SECTION 5. *Annual budget.* The legislative body shall, annually, between the first and second Monday in August, make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, and for the general fund, as the legislative body deem advisable.

Board of equalization

SECTION 6. *Board of equalization.* The legislative body shall meet at their usual place of holding meetings, on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of two weeks. They shall hear complaints and have power to increase or

diminish any assessment, provided that notice shall be given to the party whose assessment is to be increased, and such party shall have the right to be heard before the board under oath

SECTION 7. *Annual tax levy.* The legislative body must finally adopt, not later than the first Tuesday in September, an ordinance, levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax. Annual tax levy.

SECTION 8. *Limit of tax levy.* The tax levy authorized by the legislative body to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Limit of tax levy

SECTION 9. The legislative body shall, at the time of fixing the tax levy, by ordinance, establish the various funds, as provided for by the department estimates allowed by them, and also for a general fund. All moneys received by the city shall be apportioned by the auditor to the various funds so established, and no transfer of any money shall be made from one fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, the auditor shall transfer any residue remaining from any of said funds to the general fund; and the legislative body may authorize a transfer from the general fund to any fund in which there is an overdraft created by an actual emergency in the department. Funds established.

SECTION 10. *Bond tax—Library tax.* The legislative body shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund, to provide for the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms. Bond tax—  
library tax

SECTION 11. *Tax liens.* All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction under the state law to foreclose such liens, or by a sale of the property affected and the execution and delivery of all Tax liens

necessary certificates and deeds therefor, under said law or such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the legislative body shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

First  
installment  
of taxes.

SECTION 12. The first installment of all taxes levied under this charter shall be due and payable on the second Monday in October in each year; and the first installment shall become delinquent on the last Monday in November of each year. The second installment of all taxes levied under this charter shall be due and payable on the first Monday in January of each year, and shall become delinquent on the last Monday in April of each year, except taxes on personal property unsecured by real estate, which shall be due and payable at the time said assessment is made.

Disposition  
of money  
collected

SECTION 13. *Disposition of money collected.* Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the legislative body, and immediately pay said money or moneys into the city treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong.

Uniform  
accounts.

SECTION 14. The legislative body shall prescribe uniform form of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

General  
fund.

SECTION 15. *General fund.* The legislative body shall place annually in the general fund two per cent of the estimated expenses of the city, but no moneys shall be drawn from the general fund except as provided for in section nine of this article.

## ARTICLE XVIII.

### RELIEF AND PENSION FUND.

Relief and  
pension  
fund.

SECTION 1. The legislative body shall have the power to create, by ordinance, a fund to be known as the "relief and pension fund," and provide for the payment into said fund a percentage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and also authorize the commissioner of public safety to include in his annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

Pensioners.

SECTION 2. If the legislative body creates such fund, it shall in the ordinance creating the same designate who are to

receive benefits out of said fund and upon what conditions and to what extent; *provided*, that no member of any department, or the widow or children of such member shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

ARTICLE XIX.

FRANCHISES.

SECTION 1. Plenary control over all uses of the streets and public places is vested in the city. Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions or limitations as may be prescribed by the legislative body, by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than thirty-five years, unless there be reserved to the city the right to take over at any time the works, plants, and property constructed under the grant at their physical valuation and without compensation for franchise or good will, but no franchise shall be granted for a longer period or term than fifty years on any street or public place in the city, but no franchise nor lease shall be granted on, over, across or along the beach front south of the north line of Seaside boulevard and the prolongations thereof, or on other water front of the city of Long Beach, except by a vote of a majority of the electors of the city of Long Beach voting on such proposition at a general municipal election or special election called for said purpose. The legislative body may, by ordinance, adopted by a four-fifths vote of all its members, provide a method of procedure for granting franchises under the provision herein, and from time to time, in like manner, change the method so provided. Until such provision is made, the ordinances of this city, regulating the granting of franchises in force at the time of the taking effect of this charter, in so far as the same are consistent with the provisions of this charter, shall apply.

CONTRACTS.

SECTION 1. The city of Long Beach shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing, by order of the legislative body and signed by the mayor, or by some other person in behalf of the city, authorized so to do; *provided*, that the approval of the form of the contract by the city attorney shall be endorsed thereon before the same shall be signed on behalf of the city; but the legislative body, by ordinance duly adopted, may authorize any of the five commissioners, or any commission, board or agent of the city to bind the city without a contract in writing for the payment of supplies, labor, or other valuable consideration furnished to the city, in an amount not exceeding three hundred dollars.

To lowest bidder.

SECTION 2. All contracts for goods, merchandise, stores, supplies, materials, substances or printing, except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof, must be made by the legislative body with the lowest responsible bidder, whose bid is in regular form, not less than ten days after one publication of a notice calling for bids, in the official newspaper of the city; said notice shall contain a brief description of the supplies or materials required, and amount of the bonds required by the successful bidder, and state the hour and day on which said bids will be opened; except, that the legislative body may, by a resolution, adopted by the affirmative vote of four of the commissioners authorize any city commissioner to enter into a contract on behalf of the city, in writing or otherwise, without advertising for bids for labor, material or supplies for actual emergency work.

Bids sealed.

SECTION 3. All bids must be sealed bids, accompanied by a certified check or bank draft, payable to the city auditor, and drawn on a solvent bank of Los Angeles county, or a satisfactory bond, for an amount equal to ten per centum of the bid.

Bids opened.

SECTION 4. On the day, and at the hour named in the notice calling for bids, the legislative body shall open and declare all bids received, and at that time, or at such time as the legislative body may determine, shall accept the lowest regular responsible bid, or reject all bids, and return all deposits accompanying said bids, and may, at their option, abandon their proceedings, or re-advertise for bids in a like manner.

Surety bonds.

SECTION 5. The legislative body shall require bonds with sufficient sureties for the faithful performance of every contract entered into by them on behalf of the city, and such other bonds as may be required by law. All such bonds shall have the approval of the city attorney endorsed thereon, before the contract is signed by the mayor or other person authorized so to do; and when such contract is so signed the ten per centum accompanying the bid shall be returned to the bidder. If the bidder to whom the contract is awarded shall, for ten days after such award, fail or neglect to enter into the contract and file the required bond the city auditor shall draw the money due on the certified check or bank draft accompanying the bid, or declare the bond accompanying the bid forfeited and collect the money due thereon, and pay the same into the city treasury, and under no circumstances shall the check, or the proceeds thereon be returned to the defaulting bidder.

Failure to enter into contract.

SECTION 6. When a contractor fails to enter into a contract awarded to him or to perform the same, new bids may be invited and a new contract awarded as provided herein, in the first instance; or the legislative body may let said contract to the next lowest responsible bidder.

Official advertising.

SECTION 7. All contracts for official advertising shall be let annually, and go into effect at the beginning of each fiscal

year, in a like manner to the lowest responsible bidder publishing or circulating a daily newspaper of general circulation in the City of Long Beach: *provided*, that the said newspaper shall have been in existence at the time of the award of said contract for one year, and shall have been a daily newspaper for at least three months.

SECTION 8. No contract for power, gas, electric light, removing garbage, sweeping, sprinkling or lighting the streets, public buildings, places or offices shall be made for a longer period than two years; nor shall any contracts to pay for power, gas, electric lights, printing or advertising or telephones be let at a higher rate than the minimum price charged to any other advertiser or consumer for like service. Contracts limited to two years

SECTION 9. The city shall not be bound by or liable for any contract entered into by any officer of the city in behalf of the city for an amount greater than is provided by the budget for such purpose. City not liable

SECTION 10. The auditor shall not issue a warrant to pay any demand upon the city for the payment of any contract in violation of this section. Auditor not to issue warrant

## ARTICLE XXI.

### STREETS.

SECTION 1. Except as provided herein, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, establishing of and changing grades of streets, and providing for the laying out, opening, widening, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court or place within the municipality, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within the municipality, and to provide for the payment of such bonds; and provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within the municipality, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may hereafter be adopted by the legislature of this state, is hereby made a part of this charter, and shall govern the legislative body in such matters. Streets

## ARTICLE XXII.

### INITIATIVE, REFERENDUM AND RECALL

SECTION 1. The holder of any elective office may be removed at any time by the qualified electors of the City of Long Beach. The procedure to effect the removal of any such officer shall be as follows: A petition signed by qualified electors, equal in Recall.

Recall.

number to twenty-five per cent of the entire vote cast at the last preceding general municipal election for the commissioner receiving the highest number of votes, demanding the removal of such officer shall be filed with the city clerk, which petition shall contain a general statement of the ground or grounds for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature his place of residence, giving street and number, and one of the signers of each such paper shall make oath before an officer authorized to administer oaths that the statements therein made are true, and that each signature to the paper appended was made in his presence, and that to the best of his knowledge and belief each of said signatures is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine said petition, and from the great register, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination, stating the number of qualified electors found upon said petition, and the number of persons not qualified to vote, and in checking said petition, the clerk shall designate the names of the persons found thereon not qualified to vote, with the letters "D. V." in red ink opposite such name or names. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of the return of said certificate to the petitioners. The clerk shall within ten days after such amendment is filed with him make a like examination and check off the names thereon, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition is shown to be sufficient by the certificate of the clerk, he shall submit the same to the legislative body without delay, and the legislative body shall immediately order and fix a date for holding an election to determine whether or not the officer against whom the petition is filed, shall be removed. Said election shall be held not less than thirty days nor more than forty days from the date of the clerk's certificate of the sufficiency of the petition filed. The legislative body shall make, or cause to be made, publication in the official newspaper of the city for three consecutive days, at least twenty days preceding the date fixed for holding such election, a notice of such election, and shall state therein when such election will be held and the purpose of the same. The legislative body shall cause all arrangements for holding said election to be made and the same shall be held, conducted, returned and the result thereof declared in all respects as are other elections, and in the manner hereinafter provided, except the city clerk shall cause to be printed and used the following ballot:

“OFFICIAL REMOVAL BALLOT.

Recall ballot.

For the removal of \_\_\_\_\_  
From the office of \_\_\_\_\_  
For removal \_\_\_\_\_  
Against removal \_\_\_\_\_

Attest: \_\_\_\_\_

City clerk of the city of Long Beach, California”

In voting said ballot, the voter shall indicate his vote in favor of removal by stamping a cross opposite the words “For removal,” and shall indicate his vote against removal by stamping a cross (X) opposite the words “Against removal.”

If the majority of the votes cast at such election shall be in favor of removal, the legislative body shall immediately declare the result of said election, and declare said office vacant, and shall immediately fill such vacancy by appointment, such appointee to hold office until the next general municipal election, when his successor shall be elected. An officer thus removed shall not be eligible to succeed himself. If the majority is against removal, the incumbent shall continue in office.

Majority rules.

INITIATIVE ORDINANCES.

SECTION 2. The citizens of the City of Long Beach may propose and submit to the legislative body ordinances in the following manner: By petition signed by electors, equal in number to twenty-five per cent of the entire vote cast at the last preceding municipal election for the commissioner receiving the highest number of votes. The petition shall set forth the proposed ordinance or ordinances and contain a request that the same be enacted into law by the legislative body. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. One of the signers of each paper shall make oath before some officer authorized to administer oaths, that each signature to the paper appended was made in his presence and that to the best of his knowledge and belief it is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing of such petition the city clerk shall examine the same and from the list of qualified voters of the city hereinafter mentioned, ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of such examination, stating the number of qualified voters found upon said petition and the number of persons not qualified to vote, and in checking said petition the city clerk shall designate the names of persons found thereon not qualified to vote, with the letters “D. V.” in red ink opposite such name or names. If by the clerk’s certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of the return of said certificate to the petitioners. The clerk shall within ten days after such amendment is filed with him, make a like examination and check

Initiative ordinances.

Initiative  
ordinances

off the names thereon, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is shown to be sufficient by the certificate of the clerk, he shall submit the same to the legislative body without delay, and the legislative body shall either (a) pass the ordinance set out in said petition without alteration within ten days after the date of the clerk's certificate of sufficiency thereon; or (b) submit the same to a vote of the qualified voters of the city at a special election to be called for that purpose within forty days from the date of said certificate, unless a general municipal election is to be held within ninety days thereafter, and then at such general municipal election such ordinance shall be submitted without alteration of any kind. The ballot used in voting upon an ordinance shall contain these words: "For the Ordinance," stating the nature of the proposed ordinance, and "Against the Ordinance," stating the nature of the proposed ordinance. If a majority of the qualified votes cast is in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance so enacted shall not be repealed or amended, except upon a vote of the people. Any number of ordinances may be voted upon at the same election in accordance with the provisions of this article. The legislative body may submit a proposition for the repeal of any such ordinance or for amendments thereto to be voted upon at any general municipal election and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

Ballot

Publication.

SECTION 2 *Ordinance or proposition submitted to vote—Publication of.* Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be published in the official newspaper of the city, said publication to be not more than twenty nor less than ten days before the submission of such ordinance or proposition to the vote of the people.

When  
ordinances  
go into  
effect

SECTION 3. *Ordinances—When effective—Exceptions—Grant of franchise—Petition—Referendum election—Procedure—Suspension of ordinance.* No ordinance passed by the legislative body shall go into effect before the expiration of thirty days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter, and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency and is passed by four-fifths of the vote of the legislative body; and no grant of any franchise shall be held or construed to be an emergency measure, and all franchises and ordinances granting the same shall be subject to the referendum vote hereinafter provided;

Franchise

and if, during said thirty days, a petition, signed by qualified electors, equal in number to twenty-five per cent of the entire vote cast at the last preceding general municipal election for the commissioner receiving the highest number of votes, protesting against the passage of such ordinance shall be presented to the legislative body the same shall thereupon be suspended from going into effect. and it shall be the duty of the legislative body to reconsider such ordinance, and if the same is not entirely repealed the legislative body shall submit the ordinance or ordinances to a vote of the people, as provided in article XXII, either at the next general municipal election or at a special election to be called for the purpose. and such ordinance shall not then go into effect or become operative unless a majority of the qualified voters voting upon said ordinance or ordinances, shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of article XXII of this charter, except it shall not be subject to amendment, and shall be examined and certified by the city clerk as therein provided. If an ordinance is passed by the legislative body within ninety days next before a general election, then a petition signed by fifteen per cent of the qualified electors voting at the last preceding general municipal election for the commissioner receiving the highest number of votes, or more, shall be sufficient to suspend the going into effect of said ordinance, and it shall either be repealed by the legislative body or submitted to the vote of the people at such next general municipal election.

Referendum.

ARTICLE XXIII.

ALCOHOLIC LIQUORS.

SECTION 1. Every person who, as owner, principal, agent, employe or otherwise, opens, establishes, keeps, maintains or carries on a place where alcoholic liquor or other intoxicating drinks are sold, kept for sale, offered for sale, distributed, divided, delivered or given away, in the City of Long Beach is guilty of a misdemeanor

Sale prohibited.

SECTION 2. Every person, who, as owner, principal, agent, employe or otherwise, sells, keeps for sale, offers for sale, distributes, divides or gives away alcoholic liquor or other intoxicating drinks in the City of Long Beach is guilty of a misdemeanor.

SECTION 3 Every person who, directly or indirectly, alone or associated or combined with others, as principal, agent, employe or otherwise, opens, establishes, keeps, maintains or carries on, or who, in any manner aids, abets or assists in opening, establishing, keeping, maintaining or carrying on, any club or clubroom, or any place used in connection with any such club or clubroom, where alcoholic liquor or other intoxicating drinks are received or kept for use, gift, sale or barter, or for distribution or division, among the members, guests or

Club rooms.

visitors of any such club or clubroom, or among any other persons, in the City of Long Beach, is guilty of a misdemeanor.

Having  
liquor in  
possession.

SECTION 4. Every person who, as owner, principal, agent, employe or otherwise, has in his or her possession any alcoholic liquor or intoxicating drinks, with intent to use the same in violation of any of the provisions of this article, in the City of Long Beach, is guilty of a misdemeanor; and all such alcoholic liquor or other intoxicating drinks and the bottles, barrels and other vessels containing the same, are hereby declared nuisances, and in abatement thereof the police shall seize all such liquor, bottles, barrels and other vessels, and, upon conviction of such person for unlawfully having the same in his possession, destroy such liquor, bottles, barrels or other vessels.

Leasing  
building in  
violation  
of this  
article.

SECTION 5. Every person who, as owner, principal, agent, employe or otherwise, lets or leases any building, room, tenement or place to be used in violation of any of the provisions of this article, in the City of Long Beach, or who, being the owner thereof, or having the control thereof, permits any building, room, tenement, or place to be used in violation of any of the provisions of this article, in the City of Long Beach, is guilty of a misdemeanor, and upon the second conviction thereof, the building shall be locked for one year, unless he shall furnish sufficient bond to insure its not being used for that purpose again.

Serving in  
hotel, etc.  
prohibited

SECTION 6. Every person who, as owner, principal, agent, employe or otherwise, serves alcoholic liquor or other intoxicating drinks in any public dining-room, of any hotel, apartment house, rooming-house, lodging-house, cafe, restaurant or cafeteria, in the City of Long Beach, is guilty of a misdemeanor.

Drinking in  
public  
prohibited

SECTION 7. Every person who drinks alcoholic liquor or any other intoxicating drinks in any public dining-room, cafe, restaurant or cafeteria or in any public building, yard, park, street, alley, court, lane or place, in the City of Long Beach, is guilty of a misdemeanor.

Druggist  
may sell  
for  
scientific  
use

SECTION 8. Every pharmacist, registered under the laws of the State of California, and having or being connected with an established drug business in the City of Long Beach, may sell alcohol for mechanical or scientific uses; *provided, however*, that every pharmacist who sells, gives away or delivers alcohol for such uses, without making, or causing to be made, in a well bound book kept exclusively for that purpose, an entry showing the amount of such sale, gift or delivery, the name and address of the person obtaining the same, the statement of such person of the use of such sale, gift or delivery, the name and address of the person obtaining the same, the statement of such person of the use for which such alcohol is required, the quantity thereof dispensed, the name of the dispenser and the signature of the person obtaining the same affixed to such entry, or who fails to keep said entry book always, during business hours, open to inspection by the police and by any person delegated thereto by the legislative body, or who fails

to preserve every such entry, for at least five years after the making of the same, in the City of Long Beach, is guilty of a misdemeanor.

SECTION 9. Every person who, as principal, agent, employee or otherwise, solicits or takes orders for the sale or delivery of alcoholic liquor or other intoxicating drinks in the City of Long Beach is guilty of a misdemeanor. Taking orders for.

SECTION 10. Every act in violation of any of the provisions of this article, shall, separately and for each day of its continuance, be deemed a separate offense; and every clerk, servant, agent or other person, committing any act in violation of any of the provisions of this article shall, separately and for each day of its continuance, be deemed a separate offense; and every clerk, servant, agent or other person, committing any act in violation of any of the provisions of this article, shall be deemed guilty as principal. Each act separate offense

SECTION 11. Every person who, in any manner, encourages, aids, abets or assists in the violation of any of the provisions of this article in the City of Long Beach, is guilty of a misdemeanor. Penalty.

SECTION 12. It shall be the duty of the police department to place all persons suspected of violating any of the provisions of this article under police surveillance, and to use all legal means in detecting and convicting persons violating any of the provisions of this article, including the exercise of the right of search given by the laws of the State of California; and chapter III of part II of title XII of the Penal Code of the State of California, so far as the same may be applicable, is hereby made to apply and be in force in the City of Long Beach. Duty of police

SECTION 13. The provisions of this article shall not be deemed to apply to, and shall not prevent or make unlawful, the keeping, furnishing or giving away of alcoholic liquor or other intoxicating drinks in a private residence in a reasonable amount as a means of entertainment or act of hospitality and without compensation; and a room, or suite of rooms, in a hotel, apartment house, rooming house or lodging-house occupied by any person as a regular place of residence, shall, for the purpose of this article be deemed to be a private residence of such person. Use in private residence not prohibited

SECTION 14. Every person who violates any of the provisions of this article is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the city jail of the City of Long Beach for not more than six months, or by both such fine and imprisonment. Penalty

SECTION 15. The legislative body of the City of Long Beach may, by ordinance, provide additional penalties, not inconsistent with law, for the violation of the provisions of this article, provided such further means of enforcement as will make this article effective and provide further regulations and restrictions relating to alcoholic liquor and other intoxicating drinks not inconsistent with this article. Additional penalties.

## ARTICLE XXIV.

## INDUSTRIAL DISTRICTS.

(For whichever alternative proposition that may be adopted by the people.)

## ARTICLE XXV.

## MISCELLANEOUS.

Map of  
new  
districts

SECTION 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets or alleys, or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the legislative body and the city engineer for their approval, and if such legislative body and city engineer approve the same such approval shall be endorsed upon such map or plat, the approval of the legislative body being evidenced by the certificate of the clerk thereof, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the legislative body as a public street, alley or place or be subject to any public improvement, without such approval or endorsement.

Officers not  
to be  
interested  
in  
contracts.

SECTION 2. No member of the legislative body or other officer or employee of the city shall be interested, directly or indirectly, in any contract to which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which any such member of the legislative body, officer or employee is interested shall be void. Any violation of this section by any such member of the legislative body, officer or employee shall be a misdemeanor and be punishable as such, and upon conviction the office of such member of the legislative body, officer or employee shall be declared vacant by the legislative body. And such vacancy shall be filled as herein provided for the filling of other vacancies.

Action  
presumed  
legal.

SECTION 3. In any action, suit or proceeding in any court concerning an assessment of property or levy of taxes authorized by this charter, or the collection of such taxes, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this charter committed or left to the discretion of the legislative body, such discretion or judgment, when expressed or declared is final, and cannot be reviewed or called in question elsewhere.

Ordinances  
continued  
in force

SECTION 4. All ordinances and resolutions of the city and all regulations or rules prescribed by, or for, the government of its departments, officers or employees which are in force at the time of the taking effect of this charter, and which are not inconsistent with this charter, shall continue in force until altered, amended or repealed.

SECTION 5. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this charter, and not inconsistent therewith, are hereby preserved, and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Rights preserved

SECTION 6. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time are hereby declared to be, and shall be, a part of this chapter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

General laws.

SECTION 7. Whenever the word "city" occurs in this charter, it means the "City of Long Beach, California," and whenever the words "civil engineer" is used in this charter, it means "city engineer," and whenever any department, board or officer, is mentioned in this charter it means such department, board or officer, as the case may be, of the City of Long Beach.

Definitions.

SECTION 8. The officers of the city in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the first Monday after the first day of July, 1915, and until their successors are elected and qualified.

Officers continued in office.

SECTION 9. The city council of the City of Long Beach, in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the vote and declare the result

Canvass of vote.

SECTION 10. No person shall be appointed to, or removed from any office under this charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

Political and religious opinions

SECTION 11. No commissioner owning stock in a public utility corporation shall vote upon any ordinance or proposition affecting said corporation.

When commissioner may not vote.

SECTION 12. In addition to the qualifications of officers provided for by this charter, the tax and license collector, the treasurer and the assessor shall have been bona fide residents and qualified electors of the City of Long Beach for at least four years at the time of their appointment. All other officers and employees authorized by this charter shall have been bona fide residents of the city for at least two years at the time of their appointment, laborers employed by the day excepted. The auditor shall not issue a warrant for the payment of any demand made upon the city by any officer or employee appointed or employed in violation of this section.

Additional qualifications of officers

SECTION 13. *Penalty for collusion* If at any time it shall be found that the person, firm or corporation to whom a

Penalty  
for  
collusion.

contract has been awarded has, in presenting any bid or bids, colluded with any other party, or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the legislative body may advertise for a new contract for said work.

#### CERTIFICATE.

WHEREAS, The City of Long Beach, a city containing a population of more than three thousand five hundred inhabitants, did, on the twentieth day of April, A. D. nineteen hundred and fourteen, at a special election, and under and in accordance with the provisions of section 8, article 11 of the constitution of the State of California, elect the undersigned board of fifteen freeholders to prepare and propose a charter for the said city;

*Be it known,* That in pursuance of said provision of the constitution, and within a period of one hundred and twenty days after such election, the said board of freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of said City of Long Beach;

In addition to the foregoing charter, the board of freeholders, pursuant to said provision of the constitution, also present, with said charter, for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions, hereinafter stated and designated as "Alternative Proposition No. 1," and "Alternative Proposition No. 2" one only of which shall become a part of such charter:

### ALTERNATIVE PROPOSITION No. 1.

#### ARTICLE XXIV.

##### INDUSTRIAL DISTRICTS.

Industrial  
districts.

SECTION 1. There is hereby established two industrial districts in the City of Long Beach, as follows:

Beginning at the intersection of Seaside boulevard and Alpine avenue; thence north and easterly on Alpine avenue to its intersection with Mendocino avenue; thence north on Mendocino avenue to Ocean avenue; thence east on Ocean avenue to the junction of Ocean avenue and Ocean Park avenue; thence westerly, northerly and easterly along Ocean Park avenue to its intersection with Shanoek street; thence northerly on Shanoek street to its intersection with the Southern Pacific Railroad right of way; thence along said railroad right of way to a point opposite the center of Riverside drive, where said Riverside drive intersects said railroad right of way; thence northerly across said railroad right of way and Wilmington boulevard to the junction of Wilmington boulevard and Fairbanks avenue; thence westerly and northerly along said Fairbanks avenue to

the Cerritos slough; thence along the said Cerritos slough with its meanderings, to the southwest corner of property of the Soft Water Laundry Company, as said property is shown on map filed with the city clerk of the City of Long Beach for assessment purposes, March, 1911, by the Los Angeles Dock and Terminal Company; thence south 60 deg. 18 min. 40 sec. east, along the southerly boundary of said property of the Soft Water Laundry Company, 52.05 feet; thence north 37 deg. 8 min. east, along the easterly boundary of said property, 246.12 feet; thence north 208.9 feet to a point in the center line of Anaheim street; thence east on Anaheim street to Daisy avenue; thence north on Daisy avenue to the city limits.

Industrial districts

That Industrial District No. 2, known as Zafferia Industrial District shall comprise all that portion of the City of Long Beach described as follows:

Beginning at a point in the east line of Temple avenue, as said Temple avenue is shown on the map of the Alamitos Tract, recorded in Book 36, page 27, *et seq.*, miscellaneous records of Los Angeles county, said point being six hundred sixty (660) feet south of the center line of Anaheim street; thence north thirteen hundred twenty (1320) feet; thence east to the west line of Loma avenue; thence south to the south line of Anaheim street; thence east to the east line of Ximeno avenue; thence south six hundred twenty (620) feet; thence west to the point of beginning.

SECTION 2. That the boundaries of said industrial district hereinbefore in section 1 described shall not be increased or diminished, and no other or further industrial districts shall be created or established by the legislative body.

SECTION 3. That said industrial districts are hereby defined to be that portion of the City of Long Beach within which such buildings may be erected and such avocations and industries may be maintained as are prohibited in the remaining portions of the City of Long Beach.

SECTION 4. That it is hereby declared to be unlawful and a nuisance to erect, construct, repair or maintain any building, or structure, or to maintain any yard, or place for the purpose of conducting, carrying on, or maintaining any of the following avocations, industries or lines of business in the City of Long Beach, except within said industrial districts, to-wit: The manufacture of gas and electricity, the maintaining of a stone crusher, rolling mill, planing mill, lumber yard, coal or wood yard, feed yard, carpet beating establishment, fireworks, factory, warehouse, laundry, smelter, ship yard, foundry, grist mill, flour mill, glass factory, woolen mill, powder mill, turntable or freight yard, car barn or the manufacture of any kind of goods, wares or merchandise not hereinbefore mentioned wherein machinery is used, to propel which requires the use of steam, gas, gasoline, distillate or electric energy or any other motive or animal power or in the manufacture of which large volumes of smoke, excessive noise and obnoxious odors are produced; *provided*, this section shall not apply to the maintenance

Industries restricted to districts

Exceptions  
to restric-  
tions.

of garages or to the maintenance of any lines of business which are in existence and being conducted in the City of Long Beach outside of said industrial district at the time of the taking effect of this charter except that no additions or extensions, or any improvements other than mere repairs of existing parts shall be permitted upon any of the buildings, structures or places where such restricted lines of business are now being conducted or upon any of the machinery or equipment therein.

SECTION 5. That any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$500 00, or by imprisonment in the city jail for a period of not exceeding six months, or by both such fine and imprisonment: each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided by this article.

## ALTERNATIVE PROPOSITION No. 2.

### ARTICLE XXIV.

#### INDUSTRIAL DISTRICTS.

Industrial  
districts.

SECTION 1. The legislative body shall have the power to create, by ordinance, industrial districts within the City of Long Beach, define what industries shall be confined to the industrial district; prohibit the erection, construction, maintaining and operation of such industries outside of the industrial district, regulate and control the establishment of industries, and fix a penalty for the violation of said ordinance.

Said alternative propositions shall be submitted for the choice of the voters at the same time at which the charter shall be submitted, and upon the ballot shall be printed:

“For Alternative Proposition No. 1, providing that industrial districts shall be bounded and established by this charter.”

“For Alternative Proposition No. 2, providing that industrial districts shall be established and bounded by the legislative body of the City of Long Beach.”

Voters shall be entitled to vote either for or against the charter, and also for one of the two alternative propositions, and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become article XXIV of the charter;

Publication  
of charter

Said charter, including this certificate, shall be published for ten days in the Long Beach Press, a daily newspaper printed and published and circulated in the City of Long Beach, and after said publication it shall be submitted to the qualified electors of said city, at a special election to be held therefor, at such time as the city council of said city may

designate; and if a majority of the qualified electors of said city, voting at said election, shall ratify the same it shall be submitted to the legislature of the State of California for its approval or rejection; Ratification and approval of charter

\* If the legislature approve this charter, it shall thereupon become the charter and organic law of the City of Long Beach, except as herein provided;

The said city council of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the state, and shall canvass the votes and declare the result;

*In witness whereof*, we have hereunto set our hands in the City of Long Beach, county of Los Angeles, State of California, this 19th day of August, A. D. one thousand nine hundred and fourteen.

BOARD OF FIFTEEN FREEHOLDERS.

FRANK S. CRAIG.

President.

G. A. MOHRENSTECHEK,

Secretary.

E. E. BUFFUM.

D. M. CATE.

L. D. DAWLEY.

A. C. GRUBE.

STEPHEN G. LONG.

H. H. McCUTCHAN.

A. McDERMONT.

C. T. McGREW.

W. H. NEWMAN.

G. W. SCOTT.

B. F. TUCKER.

EDWARD H. WALLACE.

THOS. W. WILLIAMS.

[SEAL]

*In witness whereof*, I have hereunto set my hand and affixed the corporate seal of the City of Long Beach this fifth day of January, 1915.

[SEAL]

HARRY B. RILEY,

City Clerk of the City of Long Beach.

And

WHEREAS, The said proposed charter and alternative proposition No. One, so ratified as hereinabove set forth, have been duly presented and submitted to the legislature of the State of California, for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI, of the constitution of the State of California; now, therefore, be it

*Resolved by the assembly of the State of California, the senate concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said proposed charter, together

with alternative proposition No. One, for the City of Long Beach, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as the charter of the City of Long Beach

## CHAPTER 9.

*Senate Concurrent Resolution No. 10, relative to the earthquake and loss of life in Italy.*

[Filed with Secretary of State January 28, 1915.]

Earthquake  
in Italy.

WHEREAS, The people of the State of California have learned with deep sorrow of a dreadful calamity that has befallen the people of Italy by reason of an earthquake shock on Wednesday morning, as a result of which many thousands of lives have been lost, many thousands of persons injured, and property of great value destroyed; and

WHEREAS, The people of this state have not forgotten the calamity of a like nature that befell portions of California in 1906 and remember with gratitude the sympathy and help that the stricken communities in our state received from all over the nation and the greater portions of the civilized world; therefore, be it

Sympathy  
expressed.

*Resolved by the senate of the State of California, the assembly concurring,* That we deeply sympathize with the people of Italy in their hour of stress and trouble and urge upon them courage and fortitude to bear their troubles and we assure them that if their calamity is of so far reaching a nature as to require financial aid, that an appeal to the people of this state and the nation will meet with a prompt and generous response; and be it further

*Resolved,* That the secretary of the senate be directed to wire a copy of these preamble and resolution to the Italian ambassador at Washington.

## CHAPTER 10.

*Senate Concurrent Resolution No. 5, relative to approving a certain amendment to the charter of the city of Santa Monica, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Santa Monica at a special municipal election held therein on the 1st day of December, 1914.*

[Filed with Secretary of State January 28, 1915.]

WHEREAS, The city of Santa Monica in the county of Los Angeles, State of California, contains a population of over seven thousand (7,000) inhabitants and has been ever since

the year 1907, and is now, organized and acting under a free-holders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 17th day of October, 1905, and approved by the legislature of the State of California on the 1st day of February, 1907 (Statutes of 1907, p. 1007); and

Santa  
Monica  
charter  
amendment

WHEREAS, A petition signed by more than fifteen per centum of the qualified electors of the city of Santa Monica, computed upon the total number of votes cast therein for all candidates for governor, at the general election held in 1910, was filed on the 13th day of October, 1914, in the office of the city clerk of the city of Santa Monica, petitioning the council of said city to submit and propose the amendment to the charter of said city, hereinafter set forth, to the qualified electors of said city; and

WHEREAS, Said petition was forthwith examined and certified by the city clerk of the city of Santa Monica and found by him to be signed by the requisite number of qualified electors of said city and was presented to the council of said city with the clerk's certificate thereto, on the 13th day of October, 1914; and

WHEREAS, The city council of said city of Santa Monica did, by special ordinance No. 565, adopted by said council on the 13th day of October, 1914, and approved by the mayor of said city on said last named date, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Santa Monica, a certain amendment, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special election to be held in said city on the 1st day of December, 1914; and

WHEREAS, Said proposed amendment hereinafter set forth was published for ten times in a daily newspaper, printed and published in said city and of general circulation therein, to wit, "The Daily Outlook," said publication ending on the 27th day of October, 1914; and

WHEREAS, Thereafter the city council did, by ordinance known as special ordinance No. 572, which was duly adopted on the 5th day of November, 1914, order the holding of a special municipal election in said city of Santa Monica, on the 1st day of December, 1914, which said last mentioned date was not less than twenty days, nor more than forty days after the completion of the publication of said proposed amendment hereinafter set forth, for ten times, in said daily newspaper, of general circulation in said city of Santa Monica, to wit, "The Daily Outlook," and did provide in said ordinance for submission of said proposed amendment, to said city charter, to the qualified electors of said city, for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 5th day of November, 1914,

Santa  
Monica  
charter  
amendment

and was published for at least five times, prior to the time appointed for the holding of said election in "The Daily Outlook," a daily newspaper printed and published in said city; and

WHEREAS, At said special election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify said proposed amendment to said charter: and

WHEREAS, The city council of said city of Santa Monica, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified said amendment to said charter; and

WHEREAS, The mayor and city clerk of said city of Santa Monica did, on the 28th day of December, 1914, duly certify to the submission to the electors of said city of Santa Monica of the said proposed amendment to said charter and to the ratification of said amendment and did further certify to a copy of said proposed amendment, authenticated by the seal of the city of Santa Monica, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA,	} ss:
County of Los Angeles.	
City of Santa Monica.	

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENT TO THE CHARTER OF THE CITY OF SANTA MONICA.

We, the undersigned, T. H. Dudley, mayor of the city of Santa Monica, State of California, and G. A. Murray, city clerk of said city, do hereby certify as follows, to wit:

That the city of Santa Monica, in the county of Los Angeles, State of California, contains a population of over seven thousand inhabitants and has been, ever since the year 1907, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI, of the constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 17th day of October, 1905, and approved by the legislature of the State of California, on the 1st day of February, 1907 (Statutes of 1907, p. 1007);

That a petition signed by more than fifteen per centum of the qualified electors of the city of Santa Monica, computed upon the total number of votes cast therein for all candidates for governor, at the general election held in 1910, was filed on the 13th day of October, 1914, in the office of the city clerk of the city of Santa Monica, petitioning the council of said city to submit and propose the amendment to the charter of said city, hereinafter set out, to the qualified electors of said city;

That such petition was forthwith examined and certified by the city clerk of the city of Santa Monica and found by him to be signed by the requisite number of qualified electors of said

city and was presented to the council of said city with the clerk's certificate thereto, on the 13th day of October, 1914;

That the city council of said city of Santa Monica did, by special ordinance No 565, adopted by said council on the 13th day of October, 1914, and approved by the mayor of said city on said last named date, and pursuant to section 8 of article XI, of the constitution of the State of California, duly propose to the qualified electors of said city of Santa Monica, a certain amendment to the charter of said city to be submitted to the qualified electors at a special municipal election to be held in said city on the 1st day of December, 1914, which said amendment was in words and figures, as follows, to wit:

CHARTER AMENDMENT.

*Amendment to the charter of the city of Santa Monica amending certain sections thereof, repealing certain other sections thereof, and adding certain sections thereto.*

1. Sections 2 and 3 of article I of the charter of the city of Santa Monica are hereby repealed Repealed.
2. Article III of the charter of the city of Santa Monica is hereby amended so that the same shall be and read as follows:

ARTICLE III.

DEPARTMENTS AND OFFICERS.

SECTION 1. The government of the city of Santa Monica shall be divided into three departments, as follows: Departments and officers.

Department of public safety.

Department of public works.

Department of finance.

SECTION 2 There shall be elected by the electors of the city of Santa Monica at large three commissioners, a commissioner of the department of public safety, a commissioner of the department of public works, and a commissioner of the department of finance, at the municipal election to be held in December, 1915, when the commissioner of the department of public safety shall be elected for a term of four years, the commissioner of the department of public works shall be elected for a term of two years, and the commissioner of the department of finance shall be elected for a term of two years, and thereafter their successors shall be elected for a term of four years at the municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification. Commissioners

The commissioners shall compose and be the city council of the city of Santa Monica, trustees of the Santa Monica Public Library, and commissioners of departments. City council.

Should a vacancy occur in the office of commissioner and the remainder of the term of his office exceed six months, there shall be a special election called to fill such vacancy, but if less than six months, the two remaining commissioners shall fill the vacancy by appointing a commissioner from the qualified residents Vacancies.

of the city; *provided, however*, that if they can not agree within ten days after the date such vacancy occurs, each commissioner shall propose a candidate, and the two candidates shall cast lots for such appointment and the successful candidate shall be commissioner of the department in which the vacancy occurs.

Salaries.

Each commissioner shall receive a salary of three thousand (\$3,000) dollars per annum, payable in equal monthly installments at the end of each and every calendar month, and each commissioner shall devote his whole time and attention to the duties of his office. He shall receive no other compensation for his services.

Commissioner of public safety.

SECTION 3. The commissioner of the department of public safety shall be ex officio mayor of the city, chief of police, superintendent of buildings, health officer and fire commissioner, and he shall perform the duties of said officers as provided by law. The board of health and the board of police commissioners and the board of fire commissioners are hereby abolished and their duties are conferred upon the commissioner of the department of public safety.

Commissioner of public works.

The commissioner of public works shall be ex officio street superintendent, park commissioner and water commissioner, and shall perform the duties of such officers as provided by law. He shall also have charge of all public works, buildings and properties of every kind and description except fire, library and school buildings and properties. The board of park commissioners is hereby abolished and its duties conferred upon said commissioner. The board of water commissioners is hereby abolished and its duties conferred upon said commissioner.

Commissioner of finance.

The commissioner of the department of finance shall be ex officio vice-president of the council, city clerk, city assessor, city treasurer and city tax and license collector, and shall perform the duties of all of said officers as provided by law.

Board of education.

SECTION 4. There shall be elected five members of the board of education at the December election to be held in the year 1915, who shall hold their offices as follows:

Three members shall be elected for a term of four years and two members for a term of two years and thereafter their successors shall be elected for a term of four years at the municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification. Should a vacancy occur on the board of education the remaining members of the board shall, by a majority vote, fill the vacancy by appointing a member of the board of education from the qualified residents of the city, who shall hold office until the next municipal election when a member of the board of education shall be elected for the unexpired term, if any.

Police judge.

SECTION 5. There shall be elected at the December election to be held in the year 1915, a judge of the police court of the city of Santa Monica, who shall be elected for a term of two

years, and thereafter his successors shall be elected for a term of two years at the municipal election held in December preceding the expiration of the term of office of the incumbent. The term of office of the police judge shall begin on the first day of January next succeeding his election and qualification. The police judge shall receive a salary of fifteen hundred (\$1500.00) dollars per annum, payable in equal monthly installments at the end of each and every calendar month. Should a vacancy occur in the office of police judge the city council shall fill the vacancy by appointment for the unexpired term in the same manner as other officers are appointed by the city council.

SECTION 6. The following officers shall be appointed by the city council: Appointive officers.

A city attorney

A city engineer

The board of education shall appoint a superintendent of schools. Such officers shall perform the duties imposed upon them by law.

SECTION 7. The commissioner of each department shall appoint a sufficient number of deputies to perform the duties pertaining to his department; *provided, however*, that the city council shall by ordinance prescribe the number and compensation of such deputies. Deputies.

All appointed officers shall hold office until removed by the appointing power which shall have the power of removing in all cases; *provided, however*, that the city council shall have power to suspend any officer of the city pending trial against whom criminal proceedings may be brought, and in such cases a substitute may be appointed for such officer during suspension. Removal of appointive officers.

In all voting upon appointment, suspension or removal of officers, the members of the city council shall vote on call of roll, and the vote of each member shall be spread upon the minutes. Vote on call.

SECTION 8. The city council shall by ordinance regulate the duties of all the officers of the city in conformity with the provisions of this charter and fix their compensation. Duties.

SECTION 9. Officers of the city must not be interested in any contract made by them in their official capacity, either directly or indirectly, nor by any body or board of which they are members Officers not to be interested in contracts.

SECTION 10. The commissioner of the department of public safety as mayor shall preside at meetings of the city council and shall perform the duties of mayor as provided by law; *provided, however*, that the mayor shall have no right to veto any ordinance or resolution passed by the council, but he shall have the right as councilman to vote on every matter, resolution or ordinance, coming before the city council, and shall vote last on all measures. He shall not have control over any officers of the city other than of the department of public safety. All portions of the city charter in conflict herewith are hereby repealed. Mayor.

3. Sections 1, 2, 4 and 5 of article IV of the charter of the city of Santa Monica are hereby amended so that the same shall be and read as follows:

City  
council.

Section 1. All legislative power of the city is vested in the city council and shall be exercised by ordinance; other action of the city council may be ordered upon motion.

Section 2. The said city council is the governing body of the city and shall meet every day except Saturdays, Sundays and other holidays, and all sessions shall be open to the public. When met in regular sessions all acts may be done and ordinances passed by a vote of two-thirds of the members voting affirmatively thereon, anything in this charter or the ordinances of the city to the contrary notwithstanding.

Enacting  
clause.

Section 4. The enacting clause of all ordinances, shall be substantially as follows: "The city council of the city of Santa Monica ordains as follows:"

Quorum.

Section 5. Two members of the city council shall constitute a quorum for the transaction of business.

4. Article IV of the charter of the city of Santa Monica is hereby amended by adding thereto the following sections:

Civil  
service.

Section 25a. The council may by ordinance, provide for a civil service system subject to the terms of this charter in any or all departments of the city government, and thereupon all appointments shall be made subject to the rules of said civil service system.

Purchasing  
agent.

Section 25b. The council shall designate some official of the city, other than the treasurer to act as purchasing agent, who shall approve all vouchers for the payment of supplies, and conduct all sales of personal property which the council may desire to sell. All purchases and sales shall conform to such regulations as the council may prescribe from time to time, but in case the amount involved is in excess of one hundred (\$100.00) dollars, opportunity for competition shall be given. The purchasing agent shall store and distribute all supplies purchased by the city under such regulations as the council may prescribe, and shall furnish a bond in a sum to be designated by the council.

Improvement  
of streets:  
city  
engineer's  
estimate.

Section 25c. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer, and the superintendent of streets, on the laying out, opening, extending, widening, improving, vacating, paving or repaving of any streets, alleys, sidewalks, crossings or other highways, or on constructing or maintaining sewers, drains and other works necessary for the disposition of sewage.

Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of

any such contract and careful records of the cost must be kept. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council.

4½. Section 29 of article IV of the charter of the city of Santa Monica is hereby repealed. Repealed.

5. Section 2 of article XI of the charter of the city of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 2. General municipal elections shall be held on the first Tuesday in December, 1915, and thereafter every two years. Any matter may be submitted to a vote of the electors at said election. Elections.

Special elections may be called at any time by the city council for any purpose required by law.

*Election of officers.* The mode of election of all elective officers of the city to be voted for at any municipal election shall be as follows, and not otherwise:

*Preferential ballot-form* The city clerk shall cause ballots for each general and special election to be printed, bound, numbered, endorsed and authenticated as provided by the laws of the state except as otherwise required in this charter. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. It shall be substantially in the following form with the cross (X) omitted, when there are four or more candidates for any office. (When there are three and not more candidates for any office then the ballot shall give first and second choice only, when there are less than three candidates for any office, all distinguishing columns as to choice, and all reference to choice may be omitted.) Ballots.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF  
SANTA MONICA.

(Inserting the date thereof.)

*Instructions* To vote for any person, stamp a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote any other choice in the third column; vote only one first and one second choice, except on board of education, vote as many first choices and second choices as there are members of the board to be elected. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface this ballot, return it, and obtain another.

Ballot.

Commissioner of public safety	First Choice	Second Choice	Other Choices
John Doe			×
James Foe	×		
Louis Hoe		×	
Dick Joe			×
Richard Roe			
<b>Commissioner of public works</b>			
Mary Brown	×		
Harry Jones		×	
Fred Smith			
<b>Commissioner of finance</b>			
Joe Black	×		
Robert White			

CHARTER AMENDMENTS, ORDINANCES, OR OTHER REFERENDUM PROPOSITIONS.

*Blank spaces for additional candidates* One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

*Canvass and election.* As soon as the polls are closed, the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. They shall also carefully enter the number of the first, second, and other choice votes for each candidate on said tally sheet and make return thereof to the city clerk as provided by law. No vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving more than one half of the total number of ballots cast at such elections as the first choice of the electors for any office shall be elected to that office; *provided*,

Majority elects.

that if no candidate shall receive such a majority of the first choice votes for such office, then a canvass shall be made of the second choice votes received by each candidate for said office; said second choice votes shall then be added to the first choice votes received by each candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto; *and provided, further,* that if no such candidate shall receive such a majority after adding the first and second choice votes, then, and in that event, a canvass shall be made of the other choice votes received by each candidate for such office; said other choice votes shall then be added to the first and second choice votes received by each candidate for such office, and such candidate receiving the highest number of first, second and other choice votes shall be elected thereto.

A tie between two or more candidates is to be decided in **Tie.** favor of the one having the greatest number of first choice votes. If all are equal in that respect, then the greatest number of second choice votes shall determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

*General election regulations* The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; *provided, also,* that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof. **General election regulations.**

*Political activity.* No person in the employ of the city shall take any active part, or contribute any money towards the nomination or election of any candidate. A violation of any of the provisions of this section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed. **Political activity.**

6 Section 3 of article XI of the charter of the city of Santa Monica is hereby repealed **Repealed.**

7. Sections 6 and 7 of article XI of the charter of the city of Santa Monica are hereby amended so that the same shall be and read as follows:

Officers to  
reside  
in city.

Section 6. All elective officers must have resided in the city of Santa Monica continuously one year next preceeding their elections.

All appointed officers must maintain offices in the city of Santa Monica, but need not be actual residents thereof

Qualifica-  
tions of  
city  
attorney  
and police  
judge.

Section 7. The city attorney and police judge must have been admitted to practice in all the courts of this state, and also in all federal courts within the southern district of California.

8. Section 1 of article XII of the charter of the city of Santa Monica is hereby amended so that the same shall be and read as follows:

Expenditures  
and  
purchases.

Section 1 The commissioner of each department shall have control of expenditures and purchases for the use of his department and may enter into contracts therefor; *provided, however,* that a requisition shall be made and filed with the purchasing agent for all supplies purchased, *and provided, further,* that every purchase or contract amounting to more than one hundred (\$100 00) dollars shall be first authorized on requisition by the city council. On January 1st, April 1st, July 1st, and October 1st, of each year, each department shall file with the purchasing agent an itemized statement of the supplies that may be needed for the ensuing quarter-year. The purchasing agent shall post a copy of such lists on the city billboard, conspicuously affixed to the wall, in the city clerk's office adjacent to the main door thereof, for ten days immediately succeeding the filing of such lists, and cause a brief notice to be published at least twice in one or more newspapers published in the city of Santa Monica, and in one or more newspapers to be designated by the city council, published outside of said city, calling attention to the filing of said lists and that itemized bids will be received therefor within ten days after said posting. Said published notice need not contain said itemized lists, but may describe the articles desired generally and refer to such lists for further information. The purchasing agent shall also mail a copy of said notice to the address of such dealers as may be directed by the commissioners of the departments. Itemized bids shall be filed with the city clerk and purchases shall be made of such bidders or of any of them of any article at the lowest price, quality considered, by any bidder for that article and in any quantity required; *provided, however,* that the city council or any commissioner shall have the right to purchase of any other person or firm any article needed for the use of the city at a price lower, quality considered, than the minimum price bid for such article by any of said bidders.

Publication  
of official  
notices.

All official notices, city printing and advertising shall be published in a newspaper of general circulation in the municipality, in the body type of the paper. The newspaper carrying such publication shall be paid a price per inch of space used and at the lowest and best rate offered, not exceeding that which it receives from regular commercial display

advertisements for the quantity of space used. When it may appear to the council that the rates offered are unfair, the council may employ other means of securing publicity in lieu of newspaper advertising.

That said proposed amendment was published for ten times in a daily newspaper, printed and published in said city and of general circulation therein, to wit: *The Daily Outlook*, said publication ending on the 27th day of October, 1914;

That thereafter the city council did, by ordinance known as special ordinance No. 572, which was duly adopted on the 5th day of November, 1914, order the holding of a special municipal election in said city of Santa Monica, on the 1st day of December, 1914, which said last mentioned date was not less than twenty days, nor more than forty days after the completion of the publication of said proposed amendment, for ten times in said daily newspaper of general circulation in said city of Santa Monica, to wit: *The Daily Outlook*, and did provide in said ordinance for submission of said proposed amendment, to said city charter, to the qualified electors of said city, for their ratification at said special municipal election, which ordinance was approved by the mayor of said city on the 5th day of November, 1914, and was published for at least five times, prior to the time appointed for the holding of said election, in *The Daily Outlook*, a daily newspaper printed and published in said city;

That at said special election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify said proposed amendment to said charter;

That the city council of said city of Santa Monica, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified said amendment to said charter.

*In witness whereof*, We have hereunto set our hands and affixed the corporate seal of the city of Santa Monica, this 28th day of December, A. D. 1914.

T. H. DUDLEY,  
Mayor of the city of Santa Monica  
G. A. MURRAY,  
City Clerk of the city of Santa Monica.

[SEAL]

And

WHEREAS, The said proposed amendment so ratified as hereinabove set forth has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

*Resolved by the senate of the State of California, the assembly concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring

herein), That the said proposed amendment to the said charter of the city of Santa Monica hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole for and as amendment to the said charter of the city of Santa Monica.

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## CHAPTER 11.

*Senate Joint Resolution No. 4, relative to placing veterans of the United States army who fought in Indian wars from 1865 to 1891 on the pension roll.*

[Filed with Secretary of State January 28, 1915.]

WHEREAS, There is now pending in the congress of the United States, what is known as the "Keating bill," providing that men who have served in the United States army, and took part in Indian campaigns between the years 1865 and 1891, shall be placed on the regular pension roll of Indian war veterans; therefore, be it

"Keating  
bill"  
approved.

*Resolved by the senate and assembly of the State of California, jointly,* That the senators and representatives in congress of the State of California, be respectfully urged to take all proper means to expedite and secure the passage and enactment into law of the said "Keating bill"; and be it further

*Resolved,* That the secretary of the senate be and he is hereby directed to transmit copies of this resolution forthwith to the senators and representatives in congress of the State of California.

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## CHAPTER 12.

*Assembly Concurrent Resolution No. 4, relative to approving one certain amendment to the charter of the county of San Bernardino, State of California, voted for and ratified by the electors of said county of San Bernardino, at a general election held on the third day of November, 1914.*

[Filed with Secretary of State January 30, 1915 ]

STATE OF CALIFORNIA, }  
County of San Bernardino. } SS.

Certificate of county clerk of the county of San Bernardino, State of California, and chairman of the board of supervisors of San Bernardino county, State of California, as to the adoption and ratification of a certain amendment to the charter of said county of San Bernardino, submitted to the qualified electors of said county on the 3rd day of November, 1914.

PREAMBLE.

Be it known that,

WHEREAS, The county of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and existing under and by virtue of section 7½ of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 3rd day of November, 1914, and approved by the legislature of the State of California, on the 7th day of April, 1914 (statutes 1913, pages 1652, *et seq.*); and

San  
Bernardino  
county  
charter  
amendment

WHEREAS, On the 11th day of August, 1914, a petition signed by more than ten per centum of the qualified electors of the county of San Bernardino, computed upon the total number of votes cast in said county of San Bernardino for all candidates for governor at the last general election, at which a governor was elected, petitioning the board of supervisors of said county of San Bernardino to submit the following proposed amendment to the charter of said county of San Bernardino, to the vote of the qualified electors of said county of San Bernardino, was filed in the office of the county clerk of said county, which amendment was set forth in full in said petition as follows:

“By striking therefrom sections four (4), five (5), and six (6), of said charter and there is hereby inserted in lieu thereof the following amendment to be known as section four (4) thereof, to wit: Section four (4): All county officers other than supervisors of said county shall be elected at each general election by the qualified electors of said county as is now, or may be hereafter provided by general law, and all deputies and assistants to such county officers shall be appointed as is now or may be hereafter provided by general law; and the powers and duties of such officers, deputies and assistants shall be such as are now or may be hereafter provided by general law, and any part of this charter in conflict herewith is hereby repealed.”

WHEREAS, On the 17th day of August, 1914, said petition, duly certified to by the county clerk of said county of San Bernardino as signed by the requisite number of qualified electors of said county of San Bernardino, was presented to and filed with the board of supervisors of said county of San Bernardino; and

WHEREAS, On the 21st day of September, 1914, in regular session assembled, by resolution duly passed and adopted, caused to be published for ten times in the San Bernardino *Daily Sun*, a daily newspaper of general circulation, printed, published and circulated in said county of San Bernardino, a notice, setting forth said proposed amendment to said charter, together with the fact that the same would be submitted to the

San  
Bernardino  
county  
charter  
amendment.

qualified electors of said county, at the general election to be held November 3rd, 1914; and

WHEREAS, Said notice was published on the following dates, to wit: September 22nd, 23rd, 24th, 25th, 26th, 27th, 29th, 30th, October 1st, and October 2nd, 1914, and as often during said time as said newspaper was regularly published, and that the said general election at which said proposed charter amendment was submitted to the vote of the qualified electors of said county of San Bernardino, was not less than thirty nor more than sixty days after the publication of said proposed amendment; and

WHEREAS, At said general election said proposed amendment was submitted to the vote of the qualified electors of said county, and appeared on the ballot at said election in the following form:

PROPOSITION.

"Shall the charter of the county of San Bernardino be amended as follows: By striking therefrom section four (4), five (5), and six (6), of said charter and there is hereby inserted in lieu thereof the following amendment to be known as section four (4) thereof, to wit:

" 'Section four (4): All county officers other than supervisors of said county shall be elected at each general election by the qualified electors of said county as is now, or may be hereafter provided by general law, and all deputies and assistants to such county officers shall be appointed as is now, or may be hereafter provided by general law; and the powers and duties of such officers, deputies and assistants shall be such as are now or may be hereafter provided by general law, and any part of this charter in conflict herewith is hereby repealed.' "

And opposite said proposition to voted upon and to the right thereof, and on separate lines, were printed the words "Yes" and "No," with voting squares thereafter; and

WHEREAS, The county clerk of San Bernardino county mailed a printed copy of said proposed amendment, enclosed in an envelope with a sample ballot, to each elector within said county of San Bernardino, at least ten days prior to the said 3rd day of November, 1914; and

WHEREAS, The returns of said general election held in the county of San Bernardino on the said November 3rd, 1914, at which election said proposed amendment was submitted to the vote of the qualified electors of said county, was made to and canvassed by the board of supervisors of said county of San Bernardino, and it appeared therefrom and was declared by the board of supervisors, that 8,321 votes were cast in favor of said proposed charter amendment and that 5,816 votes were cast against said proposed charter amendment and it appeared therefrom that a majority of the qualified electors of the county of San Bernardino voting thereon, at such general election, voted in favor of the said proposed charter amendment, and said board of supervisors thereupon ordered and declared that said proposed amendment was ratified; and

WHEREAS, Said amendment so ratified by the electors of said county of San Bernardino, at said general election held on said 3rd day of November, 1914, is now submitted to the legislature of the State of California, for approval or rejection, as a whole, without power or alteration or amendment, in accordance with the provisions of section 7½ of article XI of the constitution of the State of California; now

Therefore, the undersigned, Samuel Pine, chairman of the board of supervisors of the county of San Bernardino, State of California, and Charles Post, county clerk and ex officio clerk of the board of supervisors, San Bernardino county, State of California, authenticating their signatures with the official seal of said board of supervisors, do hereby certify that said amendment to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the 3rd day of November, 1914, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said legislature, be in the words and figures following, to wit:

Section four (4): All county officers other than supervisors of said county shall be elected at each general election by the qualified electors of said county as is now, or may be hereafter provided by general law, and all deputies and assistants to such county officers shall be appointed as is now, or may be hereafter provided by general law; and the powers and duties of such officers, deputies and assistants shall be such as are now or may be hereafter provided by general law, and any part of this charter in conflict herewith is hereby repealed.

Election  
of officers

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said county of San Bernardino, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to adopt said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, We have hereunto set our hands and affixed the official seal of said county of San Bernardino, State of California, this 28th day of December, 1914.

SAMUEL PINE,  
Chairman of the Board of Supervisors,  
San Bernardino County, State of California

Attest: CHARLES POST,  
County Clerk and ex officio Clerk of the Board of Supervisors,  
San Bernardino County, California

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendment to the charter of the county of San

Approval  
by  
legislature

Bernardino, as proposed and adopted and ratified by the electors of said county, and as hereinbefore fully set forth, be, and the same is, hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the county of San Bernardino.

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CHAPTER 13.

*Assembly Concurrent Resolution No. 5, relative to the appointment of a commission to greet the president of the United States on his official visit to the Panama-Pacific International Exposition and the California-Panama Exposition.*

[Filed with Secretary of State January 30, 1915.]

WHEREAS, The Panama-Pacific International Exposition is an institution organized under the laws of California, and is in part created and maintained from the public moneys of the State of California and is in every way typical and representative of the resources and productions of the State of California as well as the progress and advancement of the world; and

WHEREAS, The Panama-California Exposition at San Diego is also an institution organized under the laws of the State of California and supported and maintained from public and private moneys and typifies the progress and achievements of this commonwealth from the time civilization was first planted on its shores; and

WHEREAS, The president of the United States has signified his intention to make a visit in his official capacity to the Panama-Pacific International Exposition at San Francisco, and the Panama-California Exposition at San Diego; be it

*Resolved by the assembly, the senate concurring.* That a commission, to be composed of the governor of the State of California, the lieutenant governor, the speaker of the assembly, five senators to be named by the president of the senate and seven members of the assembly to be named by the speaker of the assembly be and the same is hereby created and appointed to meet the president of the United States upon his entrance to the State of California and to extend to him the greetings of the legislature of the State of California and a cordial welcome in behalf of the people of this state.

Commission  
to meet  
President  
of the  
United  
States.

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CHAPTER 14.

*Assembly Concurrent Resolution No. 11, relative to joint rules of the senate and assembly.*

[Filed with Secretary of State January 30, 1915.]

*Resolved by the assembly, the senate concurring,* That the following be and are hereby adopted as the joint rules of the assembly and senate of the legislature of the State of California for the forty-first session of said legislature.

JOINT RULES OF SENATE AND ASSEMBLY.

JOINT ADDRESS TO GOVERNOR.

1. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers.

Joint  
address to  
governor.

STANDING COMMITTEES.

2. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house:

Standing  
committees.

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and Navigation.
- (4) Corporations.
- (5) County Government.
- (6) Drainage, Swamp and Overflowed Lands.
- (7) Education.
- (8) Elections.
- (9) Federal Relations.
- (10) Finance in the Senate and Ways and Means in the Assembly.
- (11) Fish and Game.
- (12) Hospitals and Asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and Capital.
- (17) Military Affairs.
- (18) Mines and Mining.
- (19) Municipal Corporations.
- (20) Oil Industries.
- (21) Prisons and Reformatories.
- (22) Public Health and Quarantine.
- (23) Public Morals.
- (24) Public Utilities.
- (25) Revenue and Taxation.
- (26) Roads and Highways.
- (27) Rules.

JOINT COMMITTEES.

3. Joint standing committees of senate and assembly shall be appointed as follows:

Joint  
committees.

- (1) Committee on revision and printing, to consist of three (3) members from the senate and five (5) from the assembly.
- (2) Committee on joint rules, to consist of the members of the rules committee of each house.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER,  
REQUIRES NOTICE.

4. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

5. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

JOINT AND CONCURRENT RESOLUTIONS.

6. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS.

7. Joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house. Joint and concurrent resolutions and constitutional amendments shall not be deemed bills within the meaning of section 2, of article IV. of the constitution, and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Amendments  
to amended  
bills.

8. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the clerk or assistant clerk of the assembly, as the case may be.

BILLS READ AND REFERRED TO COMMITTEE.

Bills read.

9. When a senate bill has been received by the assembly or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or clerk and referred to a standing committee, unless otherwise ordered by the house.

SPECIAL FILE.

Special file

10. On the second day after the close of the recess provided for in section 2, article IV, of the constitution, the senate and assembly shall each adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock p.m. of each day, and be considered

at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

11. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with observance of this rule; *provided*, that the senate or assembly may, at any time, order such bill reported back from any committee by a majority vote.

After a bill has been passed.

PASSAGE OF BILLS BEFORE CONSTITUTIONAL RECESS.

12. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article IV. of the constitution.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

13. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

To concur or refuse

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

14. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments of such refusal and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairmen thus selected shall arrange the time and place of all meetings and

prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

Committee  
on  
conference.

15. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

Committee  
on free  
conference.

16. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed which shall consist of three members from each house to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

17. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

18. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

19. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES

20. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICERS.

21 After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the engrossing and enrolling clerk and engrossing and enrolling committee of the assembly, or of the senate, as the bill may have originated, and shall first receive the signatures of the presiding officer and clerk or secretary of the house in which it emanated, before it shall be presented to the governor of the state.

Enrolled bills to receive signature of proper officers.

ENROLLING COMMITTEE TO COMPARE.

22. When the bills are enrolled they shall be re-examined by the engrossing and enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

Enrolling committee to compare

PRESIDENT AND SPEAKER TO SIGN BILLS.

23. After the examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

24 After a bill shall have been thus signed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed on the back of the bill by the secretary or clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

Present bills to governor.

HISTORY OF BILLS, RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

25. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

History.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

SECRETARY AND CLERK TO KEEP REGISTER.

26. The secretary of the senate and clerk of the assembly shall keep a register, in which shall be recorded every action

taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL ENDORSE BILLS.

27. The secretary of the senate and clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

URGENCY PROVISIONS IN BILLS.

Urgency provisions in bills.

28. Upon the third reading of an act which is an urgency measure within the meaning of section 1 of article IV of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

ENDORSEMENT OF BILLS

29. Bills introduced in either house shall be endorsed with the date of introduction.

COMMITTEE ON REVISION AND PRINTING.

Committee on revision and printing

30. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

NUMBERING LINES OF BILLS.

31. The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

REPORTS OF COMMITTEE ON REVISION.

32. The committee on revision and printing shall return to the secretary of the senate or clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

JOINT MEETING OF COMMITTEES.

33. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. Joint committee meetings.

BILLS, RESOLUTIONS, ETC.

34. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

PRESS RULES.

35. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly. Press rules.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

ADJOURNMENT.

36. Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution. Adjournment

DISPENSING WITH JOINT RULES.

37. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as nonconcurrent in or negatived. Dispensing with joint rules.

## CHAPTER 15.

*Assembly Concurrent Resolution No. 12, inviting Hon. Woodrow Wilson, president of the United States, to attend the annual inland waterways convention, which will meet at San Francisco, March 25, 26 and 27, 1915.*

[Filed with Secretary of State January 30 1915.]

Requesting  
President  
of United  
States to  
attend  
waterways  
convention

WHEREAS, The future commercial development of the State of California depends largely upon the improvement of the inland waterways throughout the state; and

WHEREAS, The annual inland waterways convention will meet at the exposition auditorium March 25, 26 and 27, 1915; and

WHEREAS, President Woodrow Wilson has now under consideration an invitation extended to him to address said convention;

*Resolved by the senate and assembly, jointly,* That we sincerely hope that the president will find opportunity amongst his multitudinous duties to avail himself of the invitation extended to him by the inland waterways convention.

## CHAPTER 16.

*Assembly Concurrent Resolution No. 14, relative to the expression of appreciation by the State of California to Frank F. Chase, of Riverside, for his contribution of a valuable device for the separation of sound and unsound citrus fruits, which device has been given to the industry without patents or profit to the inventor.*

[Filed with Secretary of State January 30, 1915.]

Frank F.  
Chase  
thanked for  
citrus fruits  
testing  
device.

WHEREAS, The growers of citrus fruits of the State of California have upon various occasions suffered from visitations of frost, and this industry in consequence thereof has been greatly handicapped in competition in eastern markets, on account of the inability of growers to successfully segregate the damaged from undamaged fruit; and

WHEREAS, There has been invented and given to the industry, without patents or profits to the inventor, an adequate separating device which effectually separates citrus fruits of high and low specific gravity, thereby separating the sound from unsound fruit, to the end that producers and consumers alike are now protected from resultant financial losses, and

WHEREAS, The inventor and donor of said device (known as the "Chase water separator"), Mr. Frank F. Chase, of Riverside, has made a great contribution to the welfare of the horticultural interests of the State of California, now, therefore, be it

*Resolved,* That the legislature of the State of California extend to Mr. Chase its appreciation of his public spirit and

his contribution to one of the greatest industries of our state; and

*Resolved*, That a copy of these resolutions, properly engrossed, be especially prepared for Mr. Chase and mailed to him by the chief clerk.

CHAPTER 17.

*Assembly Joint Resolution No. 18, relative to a request to the secretary of the interior for permission to take elk from the Yellowstone National Park for transportation to and liberation in the coast range mountains in the county of San Luis Obispo, State of California.*

[Filed with Secretary of State January 30, 1915.]

WHEREAS, The wild animal life of California has become almost extinct, this being especially true as to wild animals having a food value; and

Secretary of Interior requested to send elk to San Luis Obispo county.

WHEREAS, The transporting and liberating of elk in California has heretofore been successfully undertaken; and

WHEREAS, Citizens of the county of San Luis Obispo, in the State of California, have signified their willingness to bear the expense of the transportation of elk to be liberated in the San Lucia coast range mountains of the said county, now, therefore, be it

*Resolved by the assembly and senate of California, jointly*, That we respectfully urge and request the secretary of the interior of the United States to consent to and arrange for the taking of sixty head of elk from the Yellowstone national park to be transported at an appropriate season to the State of California, to be liberated in the mountains of San Luis Obispo county; and be it further

*Resolved*, That the chief clerk of the assembly be and he is hereby instructed to forward a copy of this resolution to Hon. Franklin K. Lane, secretary of the interior of the United States, to each of the senators from California in the United States congress, and to the Honorable E. A Hayes, representative in congress from the eighth district of California.

CHAPTER 18.

*Senate Concurrent Resolution No. 12, relative to the adjournment of the legislature for the constitutional recess and to the reassembling of the legislature after said recess and fixing the date for said adjournment and said reassembling.*

[Filed with Secretary of State January 30, 1915 ]

WHEREAS, Section 2 of article IV of the constitution of the State of California requires that, after the legislature has

been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Recess  
adjournment  
and reas-  
sembling.

*Resolved by the senate, the assembly concurring,* That the forty-first session of the legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Saturday, January 30, 1915, and shall reassemble at the hour of twelve o'clock noon on Monday, March 8, 1915.

## CHAPTER 19

*Senate Concurrent Resolution No. 11, approving the charter of the city of Alhambra, State of California, voted for and ratified by the qualified electors of said city of Alhambra at a special municipal election held therein for that purpose on the 14th day of October, 1914.*

[Filed with Secretary of State January 30, 1915]

Alhambra  
charter.

WHEREAS, The city of Alhambra, a municipal corporation, of the county of Los Angeles, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, At a general municipal election held in said city on the 13th day of April, 1914, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within one hundred twenty days after the result of said election was declared, prepare and propose a charter for the government of said city of Alhambra; and

WHEREAS, Said charter was on the 14th day of August, 1914, signed in duplicate by a majority of said board of freeholders and was thereupon duly returned and filed, one copy with the city clerk of said city of Alhambra in the office of said city clerk, and the other copy with the county recorder of said county of Los Angeles, in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published ten times in the "Alhambra Advocate," a daily newspaper of general circulation printed, published and circulated in the city of Alhambra on the following days of publication, to wit: August 26th, August 27th, August 28th, August 29th, August 31st, September 1st, September 2nd, September 3rd, September 4th and September 5th; all of said dates being in the year 1914, the first publication thereof having been made within

fifteen days after the filing of the copy thereof as aforesaid in the office of said city clerk: and Alhambra charter.

WHEREAS, Said proposed charter, with the alternative proposition accompanying the same, was not less than twenty days nor more than forty days after the completion of said publication, to wit, on the 14th day of October, 1914, submitted by the board of trustees of the city of Alhambra to the qualified electors of said city at a special election duly called and held therein on the 14th day of October, 1914; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Alhambra, voting at said special election, voted in favor of said ratification and duly ratified said charter as proposed as a whole; and voted against and refused to ratify and approve the alternative proposition submitted therewith and voted upon separately at said special election; and

WHEREAS, Said board of trustees, after canvassing the return of said last mentioned special election, duly found and declared that a majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified as a whole and had voted against and had failed to ratify and approve said alternative proposition; and

WHEREAS, Said charter is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF ALHAMBRA.

Prepared and proposed by a Board of Freeholders elected April 13, 1914, in pursuance of the provisions of section 8, article XI, of the Constitution of the State of California.

CHARTER OF THE CITY OF ALHAMBRA.

ARTICLE I	Name and rights of city.
ARTICLE II	Boundaries and districts of the city.
ARTICLE III	General provisions relating to officers.
ARTICLE IV	The president of the commission.
ARTICLE V	Executive and administrative departments.
ARTICLE VI	The commission.
ARTICLE VII	Powers of the city and of the commission
ARTICLE VIII	City auditor and ex officio city clerk.
ARTICLE IX	City attorney.
ARTICLE X	City treasurer and ex officio assessor and tax and license collector.
ARTICLE XI	Police court
ARTICLE XII	City manager.
ARTICLE XIII	Police, fire and health divisions.
ARTICLE XIV	Board of education.
ARTICLE XV	Public library.
ARTICLE XVI	Alcoholic liquors.
ARTICLE XVII	Elections.
ARTICLE XVIII	Finance
ARTICLE XIX	Contracts.
ARTICLE XX	Streets and sewers.
ARTICLE XXI	Franchises.
ARTICLE XXII	Recall.
ARTICLE XXIII	Initiative.
ARTICLE XXIV	Referendum.
ARTICLE XXV	Miscellaneous.

## ARTICLE I.

## NAME AND RIGHTS OF CITY.

Name. SECTION 1. The municipal corporation now existing and known as the City of Alhambra shall remain and continue a body politic and corporate in name and in fact by the name of 'City of Alhambra,' and by such name shall have perpetual succession.

Rights. SEC. 2. The city of Alhambra shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

## ARTICLE II.

## BOUNDARIES AND DISTRICTS OF THE CITY.

Boundaries. SEC. 3. The boundaries of the city of Alhambra shall continue as now established until changed in some manner authorized by law.

Districts SEC. 4. For municipal purposes the city of Alhambra is hereby divided into four districts, which shall be designated respectively, the first district, the second district, the third district and the fourth district and be constituted and described as follows:

*First district*—All that portion of the city lying east of the center line of Wilson avenue and north of the center line of Main street.

*Second district*—All that portion of the city lying east of the center line of Wilson avenue and south of the center line of Main street.

*Third district*—All that portion of the city lying west of the center line of Wilson avenue and north of the center line of Main street.

*Fourth district*—All that portion of the city lying west of the center line of Wilson avenue and south of the center line of Main street.

Changing  
boundary  
lines of  
districts.

SEC. 5. The boundary line of any of said districts may be changed hereafter by ordinance passed by a four-fifths (4/5) vote of the commission; *provided*, that said districts shall be kept as nearly equal in population as possible; *and provided, further*, that except where the city boundary is changed either by annexation or exclusion of territory, such change of district lines shall not be made oftener than once in two years nor within a period of ninety days prior to any general municipal election.

Annexed  
territory.

SEC. 6. Whenever any territory shall hereafter be annexed to the city of Alhambra, upon the completion of such annexation, the commission shall, by ordinance, assign such annexed territory to one or more districts contiguous thereto, so as to retain, as nearly as possible, such equality of population.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 7. The elective officers of the city of Alhambra shall be five commissioners, one of whom shall be elected as president of the commission: a city auditor, who shall be ex officio city clerk and clerk of the board of equalization; a city treasurer, who shall be ex officio city assessor and city tax and license collector; a city attorney, and five members of the board of education, all of whom shall be elected at the general municipal election on a general ticket from the city at large: *provided*, that all qualified electors of Alhambra city school district shall also have the right to vote at such elections for members of the board of education; *and provided, also*, that of the four commissioners, other than the president of the commission, one shall be nominated by the qualified electors of each district, of which the commissioner so nominated must have been a resident not less than four months preceding the date of his election. The office of commissioner of each district shall constitute a separate office.

Elective officers

SEC. 8. The chief appointive officers shall be as hereinafter named, and shall be under the jurisdiction of the respective departments to which they are severally assigned, to wit: city engineer and street superintendent hereby assigned to the department of public works; building inspector, plumbing inspector, electrical inspector, police judge, chief of police, chief of fire division and health officer hereby assigned to the department of public safety. Each such chief appointive officer shall be appointed by the head of such respective department to which he is assigned, subject to confirmation of each appointment by the commission.

Appointive officers.

SEC. 9. Other appointive officers shall be five library trustees hereby assigned to the department of public affairs, to be appointed as hereinafter provided, and such other officers as the commission shall under this charter have power to create, which last named officers shall be appointed by the head of the respective department to which the same shall be assigned by the commission or by this charter.

Library trustees.

SEC. 10. The commission shall consist of five commissioners, each of whom, including the president, shall have a vote on all questions coming before the commission.

Commission.

To be eligible to the office of commissioner a person must be a qualified elector of the city of Alhambra and shall have resided in said city for at least three years next preceding the date of his election or appointment.

Eligibility.

To be eligible to the office of auditor, treasurer or attorney, a person must be a qualified elector of the city of Alhambra and shall have resided in said city for at least one year next preceding the date of his election or appointment.

SEC. 11. The president of the commission, auditor, treasurer and attorney shall each hold office for a term of two years

Term of office

from and after the first day of July following their election and until their successors are respectively elected and qualified; *provided*, that the auditor and treasurer elected at the first election held under this charter shall hold office until the first day of July, 1918, and thereafter their successors shall hold office for terms of two years each. Members of the commission, except the president thereof, shall each hold office for a term of four years from and after the first day of July following their election and until their successors are elected and qualified; *provided*, that the commissioner first elected under this charter from the first district shall hold office for one year, the commissioner first elected under this charter from the second district shall hold office for two years, the commissioner first elected under this charter from the third district shall hold office for three years and the commissioner first elected under this charter from the fourth district shall hold office for four years respectively from the first day of July following such first election.

Change of  
residence.

SEC. 12. In case any commissioner shall change his residence from the district in which he resided at the time of his election or appointment, his office shall immediately become vacant and be filled as directed in this charter; *provided, however*, that in case the boundaries of any district are changed, no commissioner whose residence is thereby included within a different district from that in which he resided at the time of his election or appointment shall lose his office by reason of such change, *and provided, also*, that the president of the commission shall not forfeit his office by reason of any change of his residence within the city limits.

Failure to  
qualify.

An elective office becomes vacant when the incumbent thereof fails to qualify within ten days from the time he receives his certificate of election or appointment, dies, resigns, is removed from office, is adjudged incompetent, convicted of a felony, or of an offense involving a violation of his official duties or forfeits his office under any provision of this charter, or ceases to be a resident of the city or district as required by the preceding paragraph of this section; or shall have been absent from the city without leave of the commission, for more than thirty consecutive days or, if a member of the commission or a board, fails to attend the meetings of the commission or board of which he is a member for a like period, without being excused therefrom by the commission, or, if any other officer than a member of the commission or a board, shall absent himself from his office for more than fifteen days consecutively, without such leave.

Filling  
vacancies.

SEC. 13. If a vacancy shall occur in the office of commissioner, auditor, treasurer or city attorney, the commission shall appoint a person to fill such vacancy, but such appointee, if a commissioner other than the president thereof, must be a resident and qualified elector of the district in which the former commissioner resided at the time of his election or appoint-

to print  
by

ment, and such appointee shall hold office, subject to the provisions of this charter, only until the next general municipal election.

SEC. 14. Officers and employees of the city before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or ordinance. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one half of one per cent per annum; *and provided, further*, that if the commission deems the premium charged to be excessive, then, in that event, the commission may accept bonds, with approved personal sureties. Official bonds.

SEC. 15. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the commission, after first being approved as to form by the city attorney.

Approval of such official bond must be endorsed thereon and signed by the officers approving the same. Each bond, when so approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the president of the commission. All provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

SEC. 16. The commission may at any time, by ordinance, change the penal sum of any official bond.

SEC. 17. Every officer of the city, before entering upon the duties of his office, shall take the oath of office, as provided for in the constitution of this state, and shall file the same with the city clerk. Oath of office.

SEC. 18. Each commissioner shall receive an annual salary of \$300.00, payable in equal monthly installments. Except where such power to fix is otherwise given by this charter, the commission shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance whose salaries are not herein fixed or otherwise provided for. Salaries.

SEC. 19. The salary of an elective officer may be changed by ordinance of the commission, but such ordinance must be adopted at least ninety days previous to an election at which an incumbent of such office is to be elected and shall not take effect until such incumbent takes office after such election.

SEC. 20. Whoever, being a city officer or being in nomination for, or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or Use of official authority for political purposes.

upon any corrupt condition, shall be deemed guilty of a misdemeanor, and every person found guilty of such misdemeanor, as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or to be imprisoned not less than ten days or more than six months, or to both said fine and said imprisonment in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 21. No officer or employe of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

Power to  
administer  
oaths, etc.

SEC. 22. All officers and members of the commission or any board provided for in this charter shall have power to administer oaths and affirmations, and every such officer, commission or board shall have power to issue subpoenas, to compel by subpoena attendance of witnesses, production of books, papers and documents, and take and hear testimony concerning any matter or thing pending before such officer, commission or board. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, commission or board or to answer any question which any officer, or a majority of such commission or board shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, commission or board shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such commission or board serve such subpoena or cause the same to be served.

#### ARTICLE IV.

##### THE PRESIDENT OF THE COMMISSION.

President's  
powers and  
duties.

SEC. 23. The president of the commission shall see that all city ordinances are duly enforced. He shall, subject to the provisions of this charter, be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

The president shall be the presiding officer of the commission. He may call special meetings of the commission, and must do so upon request in writing of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the commission, and he shall have the right to be present at the meetings of all of its standing and special committees; he shall sign all conveyances made by the city and all contracts to which it is a party, except as otherwise

herein provided, and shall acknowledge execution of all instruments executed by the city which require acknowledgment.

SEC. 24. During the temporary absence or disability of the president, the vice president of the commission shall act as president pro tempore. In case of the temporary absence or disability of both the president and vice president, the commission shall elect one of its members to be president pro tempore. In case of vacancy in the office of the president, the vice president of the commission shall act as president until such vacancy can be filled as provided in this charter.

SEC. 25. The president shall annually and from time to time give the commission information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

SEC. 26. The president shall keep himself fully informed as to the compliance by all public utility companies in all respects with law or ordinance, and he shall see that all provisions of all franchises, permits and privileges granted by the city are faithfully observed.

The president or the commission may, and, on written request of the city manager, the commission shall cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to prosecute persons, firms or corporations owning, controlling or operating public utilities, for violations of law or ordinances, and as may be necessary to revoke, cancel, annul or regulate the exercise of any franchises, permits or privileges that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part or which for any reason are illegal or void or voidable or negligently exercised. The city attorney, on direction of the president or of the commission, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 27. The president shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

#### ARTICLE V.

##### EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 28. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments as follows:

1. Department of public affairs.
2. Department of finance.
3. Department of public works.
4. Department of public safety.
5. Department of supplies.

And the department of public affairs shall be under the supervision of the president of the commission, subject to the provisions of this charter, and each of the other departments

shall be under the supervision of one of the other commissioners, according and subject to the provisions of this charter.

Assignment  
of  
departments

SEC. 29. The commission, at its first meeting in July of each year, or within ten days thereafter, shall designate and assign by a majority vote, one commissioner to be commissioner of the department of finance; one to be commissioner of the department of public works; one to be commissioner of the department of public safety, and one to be commissioner of the department of supplies. If within ten days after such meeting, the commission is so unable to agree on any such assignment, then the president shall have the authority to, and shall make such designation and assignment. Upon such assignment, each commissioner shall immediately assume supervision over the department to which he is assigned. The commission may change such designation and assignment by ordinance whenever it may deem such change for the benefit of the public service. Each commissioner, including the president, during any vacancy in the office of city manager, as in this charter provided, shall take the active management and control of the affairs of his respective department and be vested with all powers and perform all duties of city manager as to such respective department, but immediately upon the induction into office of such city manager, all management, control and exercise of power and duties vested in and held by such commissioner during such vacancy shall cease and the same and all thereof shall be vested in and exercised by said city manager, subject to the provisions of this charter, and such commissioner shall then act only in an advisory capacity in all matters arising in his respective department (except where such matters are herein excepted from the supervision and control of the city manager), and each commissioner shall keep himself informed of all conditions of such respective department and report the same to the commission.

SEC. 30. Of such powers, authority and duties of the city, there are hereby distributed among and assigned to such respective departments, as follows:

Powers of  
department  
of public  
affairs.

Department of public affairs shall have charge and supervision of:

1. The relations of the city with the government of the United States, and states of the union, counties and other municipalities.

2. All civic functions, celebrations, receptions and courtesies.

3. All matters pertaining to the public library.

The above powers, authority and duties, assigned to the department of public affairs shall not be subject to the supervision and control of the city manager.

4. Construction and operation of all public utilities other than those owned or operated by the city.

Department  
of finance.

Department of finance shall have charge and supervision of:

1. All financial matters of the city, except as otherwise provided by this charter.

Department of public works shall have charge and supervision of: Department of public works.

1. All parks, playgrounds and public buildings and grounds other than school buildings and grounds.

2. All public streets, highways, alleys and other public places, other than school grounds, including all construction therein or thereon and improvements thereof.

3. All municipally owned or operated public utilities.

Such supervision shall include supervision of all construction, maintenance, repair and operation.

Department of public safety shall have charge and supervision of: Department of public safety.

1. Enforcement of all police, health, safety and sanitary ordinances and regulations.

2. The police, fire and health divisions.

3. Construction and maintenance of all works necessary for the disposition or destruction of garbage, the disposition and treatment of sewage and refuse matter.

4. The public pound.

Department of supplies shall have charge and supervision of: Department of supplies.

1. The purchasing of all supplies and materials used in or required by the several departments of the city, subject to the limitations prescribed by this charter, and to the general laws of the State of California.

All of the powers, authority and duties of the city hereby or hereafter assigned to the several departments of the city, except as in this section specified and except as otherwise provided for, shall be under the supervision and control of the city manager. Other powers to city manager.

The commission shall, by ordinance, assign to the several departments, and may change such assignment of, any of the powers, authority and duties of the city not by this charter distributed or assigned, but no such assignment or change shall operate to take the same or any thereof from the supervision or control of the city manager, except where so specifically provided by this charter.

Except by this charter or otherwise provided, the commission shall have power by ordinance to create such offices, and employments other than those provided by this charter and prescribe the duties thereof as they may deem necessary and when created shall assign the same to some department; shall prescribe the powers and duties of all officers and employees; upon request of the city manager may assign particular officers and employees to one or more departments and require the performance by such officer or employee of duties in such departments, and upon like request, may by ordinance consolidate and place in charge of one officer the functions and duties of two or more of such officers; and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city. Additional offices and employments.

Vacancy on  
commission.

SEC. 31. If a vacancy shall occur in the office of commissioner, other than president, then the president, during such vacancy, shall be commissioner of the department of which such commissioner, whose office so becomes vacant, was commissioner.

Public  
accountant.

SEC. 32. The commission shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers, boards and departments as the commission may direct, and make duplicate reports of such examination and file one with the president of the commission, and the other with the city clerk. One of said yearly examinations shall be made and completed just prior to the expiration of each fiscal year. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office.

Reports.

SEC. 33. Each department and board shall annually, on such date as may be fixed by the commission, render to the president of the commission a full report of all the operations of such department or board for the year.

SEC. 34. The commission may provide for the publication, in pamphlet form or otherwise, of the annual reports of the president of the commission and of the several departments and boards.

Commis-  
sioner not  
to hold  
other  
office

SEC. 35. Except the commissioner of the department of supplies, who may be purchasing agent of the city, no member of the commission shall hold at the same time any other municipal office, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the commission while he was a member thereof, until one year after the expiration of the term for which he was elected.

Not to be  
interested  
in contracts.

SEC. 36. No commissioner or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in its behalf. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the commission shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

ARTICLE VI.

THE COMMISSION.

SEC. 37. All powers herein granted to and vested in the city of Alhambra shall, except as otherwise provided, be exercised by a commission to be designated the commission of the city of Alhambra. Said commission shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs, adequate to a complete system of local government consistent with the constitution of the state, which power shall be exercised by ordinance, except when otherwise provided by law. Powers of  
commission.

SEC. 38. The president of the commission shall preside at its meetings. The commission shall elect one of its number to be vice-president.

SEC. 39. The commission shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called. Meetings.

SEC. 40. All legislative sessions of the commission, whether regular or special, shall be open to the public.

SEC. 41. A majority of the commission shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Quorum.

SEC. 42. The commission shall judge the qualifications of its members and of all election returns and determine contested elections of all city officers, and shall also determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at any meeting.

SEC. 43. The commission shall act in legislative matters only by ordinance or resolution; other action of the commission may be by resolution or order upon motion. Legislation.

SEC. 44. The ayes and noes shall be taken upon the passage of all ordinances and resolutions; on final action upon appointment or removal of officers, making of contracts, ordering supplies furnished, disposing of city property, or incurring of a debt by the city, and the record thereof entered upon the journal of proceedings of the commission. Upon request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote. Ayes and  
noes.

SEC. 45. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the commission.

SEC. 46. Every ordinance shall be preceded by a brief title which shall indicate the subject and purpose thereof.

SEC. 47. The enacting clause of all ordinances adopted by the commission shall be, "The commission of the city of Alhambra do ordain as follows:", and the enacting clause of all ordinances adopted in accordance with the provisions of article XXIII shall be "The people of the city of Alhambra do ordain as follows:". Enacting  
clause.

SEC. 48. No ordinance for any purpose shall be passed by the commission on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

Franchises.

No resolution or ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Actions taken by ordinance.

SEC. 49. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding one thousand dollars; for the appropriation, acquisition, sale or lease of public property; for levying any tax or assessment; granting any franchise; for establishing or changing fire limits or districts, or for imposing any penalty, shall be taken except by ordinance, except in cases where the commission takes action in pursuance of a general law of the state.

Reconsideration

SEC. 50. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken unless by unanimous consent of all the commission or at a meeting of the commission, held not less than one week after the meeting at which such motion was made.

Publication of ordinances.

SEC. 51. All resolutions and ordinances shall be signed by the president of the commission and attested by the city clerk and before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

No revision by title only.

SEC. 52. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the revised ordinance or the amended section or sections thereof, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this article for the adoption of ordinances.

Repeal.

SEC. 53. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this article.

Record of city ordinances.

SEC. 54. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "city ordinances." Such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

SEC. 55. No final action shall be taken in any matter concerning the department assigned to any absent commissioner unless such business has been made a special order of the meeting by action at a previous meeting of the commission, or such action is taken at a regular meeting of the commission.

Action in absence of commissioner.

SEC. 56. The commission shall not create, audit, allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purpose, except in the manner provided in this charter, for incurring indebtedness. No warrant shall be drawn or evidence of indebtedness be issued unless there is at the time sufficient money in the treasury legally applicable to the payment of the same, except as in this charter provided.

No liability in excess of funds.

SEC. 57. The commission shall cause all ordinances to be properly classified and indexed and kept at the city hall, in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form.

Ordinances classified

SEC. 58. The commission shall cause to be prepared and published within thirty days after the end of each fiscal year, a report showing the financial transactions and financial condition of the city for such year.

Fiscal report.

SEC. 58a. The commission shall from time to time provide for the appointment of such deputies as may be necessary in the offices of the city auditor, city treasurer and city attorney and fix their compensation. Except as otherwise provided by law, ordinance, or this charter, any such deputy shall have and exercise in the name of his principal, all of the powers of such principal, including those exercised by the principal in any ex officio capacity; and shall be appointed by said principal, subject to the approval of the city manager and thereafter of the commission.

Deputies.

## ARTICLE VII.

### POWERS OF THE CITY AND OF THE COMMISSION.

SEC. 59. The city of Alhambra, in addition to any other powers now held by or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power—

Rights and powers.

1. To have perpetual succession.
2. To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind for public use.
3. To acquire private property by excess condemnation when the same shall be permitted by the constitution or laws of the state.
4. To erect and maintain buildings for municipal purposes, and provide by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and

Rights  
and powers.

operate libraries, reading rooms, art galleries, assembly halls, museums, schools, kindergartens, parks, playgrounds, gymnasiums, places of recreation, baths, public toilets and comfort stations, markets, market houses, abattoirs, dairies, municipal tenements, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning, street paving and sprinkling plants, quarries and any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business, or for promoting the health, morals, education or welfare of the inhabitants of the city or for their benefit.

5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, or any other works for the production of a public utility, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity, and the product of any other public utility.

6. To acquire by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain and operate telephone and telegraph systems, cable, electric, steam, or other railways, and transportation service of any kind within or without the city.

7. To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or any public property, for carrying wires, pipes or other means of conduct for public utilities, and to use or lease or rent to persons the use of such tunnels and conduits; *provided, however,* that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

8. To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by, any public utility conducted or operated by the city.

9. To acquire by purchase, condemnation or otherwise, such lands or other property within or without the city, as may be necessary or convenient for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to hold, use, improve, operate, control, lease, convey or otherwise dispose of the same for the benefit of the city.

10. To lease to persons, firms or corporations for the purpose of maintenance, operation or use, any public utility owned or controlled by the city, and to provide for the leasing of any lands now or hereafter owned by the city, except lands

donated, purchased or used as public parks; *provided*, that any such lease shall be made only by ordinance to the highest bidder, for a term not exceeding ten years, *and provided, further*, that the commission may, at its discretion, reject any and all bids. Rights  
and powers

11. To join with one or more other municipal or public corporations for the purpose of the acquisition, development, construction and joint ownership, operation, control or use, whether within or without, or partly within and partly without the city limits, of parks and public utilities of every kind, including a source or sources of water supply, water, or the use of water: works, property or appliances for the disposition or destruction of garbage, the disposition and treatment of sewage or refuse matter, or the disposition of storm water, upon the terms and conditions and to the extent provided by general law or by ordinance; to enter into contracts or agreements of any nature with persons, firms or corporations, to effectuate the purposes hereof: to incur bonded indebtedness for any of such purposes; *provided*, that the city shall not so join for any of such purposes without the assent of a majority of the qualified electors of the city voting on the question at a general or special election at which such question shall be submitted.

12. To acquire by purchase or lease from any municipal corporation contiguous thereto, water or the use of water, electricity or the use of electricity for light, heat, or power, upon such terms and conditions, for such compensation and during such period of time as is now or may hereafter be prescribed by charters or laws then in force; to enter into contracts or agreements of any nature to effectuate the acquisition of or right to use water or electricity for any of said purposes, and the distribution, sale or disposal of such water or electricity; to acquire or construct, equip, maintain, operate and use a distributing system and works necessary to supply therefrom the city and its inhabitants and also persons, firms and corporations outside the city with water or electricity for light, heat or power; and to incur bonded indebtedness for any of said purposes.

13. To receive bequests, gifts and donations of lands in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other uses, and to manage, sell, lease or otherwise dispose of the same absolutely or in accordance with the terms of such bequest, gift, donation or trust, and to do whatever may be necessary to fulfill the purpose thereof.

14. To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property of the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the

Rights  
and powers.

amount which can be appropriated for such purpose out of the annual tax levy.

15. To levy and collect taxes upon all property subject to taxation, for municipal purposes, subject to the provisions of this charter, and to levy taxes exceeding the limit fixed by this charter; *provided*, the proposition to make such levy shall have been authorized by two-thirds of the qualified electors voting thereon at a general or special election. At such election the commission may be authorized in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the commission may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

16. To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the opening, widening, vacating or improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvement.

17. To sue and defend in all courts and places and in all actions and proceedings.

Initiative.

SEC. 60. The qualified electors of the city shall have power through the initiative or otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the commission.

SEC. 61. Except as herein otherwise expressly provided, the commission shall exercise all the general powers of the city herein set forth, and all powers now held by or that may hereafter be given to the city under the constitution or laws of the state; but only in the manner and under the conditions of this charter, and subject to all its provisions.

Additional  
powers of  
commission.

In addition to all such powers, the commission, subject to the provisions and restrictions of this charter, shall have power:

1. To make and pass all ordinances, resolutions and orders not repugnant to the constitution of the United States or the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter, and shall exercise all municipal powers necessary to the complete and efficient management and control of the

municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not. Additional  
powers of  
commission.

2. To make and enforce within its limits, such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and preserve the health of its inhabitants.

3. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

4. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided in this charter, and appoint necessary election officers.

5. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; to make the violation of any of the city ordinances a misdemeanor and to prescribe the punishment thereof, by fine or imprisonment, or by both fine and imprisonment; but no such penalty or punishment shall exceed for each offense, five hundred dollars or six months imprisonment, or both.

6. To cause persons imprisoned for violation of any ordinance or of any provision of this charter, to labor on the streets or other public property or works within or without the city.

7. To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and all remedies which are or may be given by law, for the prevention and abatement of nuisances, shall apply thereto; to make such expense a lien and charge upon the property whereon such nuisance exists, and to make provision for the enforcement of such lien by the sale of such property or otherwise.

8. To organize, provide, maintain and operate police, fire and health divisions; erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

9. To establish, operate and maintain a fire alarm and police telegraph or telephone system, and to manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

10. To regulate or prohibit the manufacture, keeping, storage and use of gun cotton, nitro glycerine, powder, dynamite, fireworks and other explosive materials and substances within the limits of the city, or any specified part thereof.

11. To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

12. To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in localities where in the judgment of the commission the public health, comfort, or

Additional  
powers of  
commission.

safety would be endangered, and to provide for the examination and licensing of all persons engaged in operating the same.

13. To prescribe fire limits and determine the character and height of buildings that may be erected thereon and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

14. To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, false work, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, and other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings and to prohibit the construction of buildings and structures which do not conform to such regulations.

15. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

16. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used or existing in any building or place in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

17. To regulate the size, position and construction of entrance to and exits from, and the size and position of aisles, open places and stairways in all theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prohibit the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

18. To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, install gates and maintain bells, signals or other safety devices or appliances, and construct and use bridges viaducts, tunnels or subways at street crossings and at railroad crossings as the commission may deem proper. To require street cars and all local trains to be provided with

fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city, and to prohibit cars standing on any street and to prohibit the making of any flying switch upon or across any street, alley, or other public place within the city. To regulate the speed with which and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Additional  
powers of  
commission

19. To provide for the naming of streets and the numbering of houses; to regulate or prohibit the exhibition, posting or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, sidewalks, or other public places; regulate or prohibit the flying of banners, flags or signs across the street or from buildings; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal; to regulate street speaking and gatherings; to regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or possessions upon the streets or parks shall be unlawful and to declare the same nuisances.

20. To require owners of real property in the city to remove grass, weeds, rubbish or other obstructions from the public sidewalks, parkings, streets and alleys in front thereof, or upon which said property abuts, and upon their default, to cause such work to be done, and the cost thereof to be made a lien and charge upon any such real property, and to make provision for the enforcement of such lien by the sale of such property or otherwise.

21. To require or provide by ordinance for the removal from property, lands or lots, of all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lots or lands, and to make provision for the enforcement of such lien by the sale of such property, lots or lands, or otherwise.

22. To require by ordinance the owners of real property fronting upon any street, lane, alley, or other public place in which there are, or in which it is proposed to construct sewers, water or gas mains, or other mains or conduits, to connect their several premises therewith, or to cause such connection to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien by sale of such property, or otherwise.

23. Except as otherwise provided in this charter or in the constitution of the State of California, to regulate and control for any and every purpose, the use of streets, lanes, alleys, courts, and sidewalks, and other public places, in the city.

Additional  
powers of  
commission.

24. To regulate, license or prohibit the construction and use of billboards and signs, on public or private property.

25. To regulate and prevent the running at large of any animals; to provide for the destruction of vicious dogs; to require the payment of license fees by owners or persons having possession of dogs; to impose penalties upon such persons for refusing to pay such license fees, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

26. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

27. To provide for the care of the sick, the indigent and the helpless; to make and enforce all regulations which may be necessary or expedient for the preservation of health; the suppression of diseases, and the prevention of the introduction into, or spreading through the city, of contagious, malignant, infectious or other diseases; to make and enforce quarantine laws and regulations; to regulate, control and prevent the entry into or spreading throughout the city, of persons, baggage, merchandise, or other property infected with any contagious or communicable disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

28. To regulate the maintenance of chemical works, slaughter-houses, wash-houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make and enforce regulations for the suppression of disagreeable or offensive noises or odors; and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

29. To provide for and regulate the inspection of all things used for food and drink or for human consumption, stored, manufactured, sold, given away, or exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

30. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits, that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens whose products are sold in the city.

31. To regulate hotels, lodging, tenement and apartment

houses, and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition. Additional powers of commission.

32. To regulate or prohibit the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying the same shall be done

33. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

34. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

35. To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons, and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting charges in excess of such schedules.

36. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to provide for the summary seizure and destruction of all false weights and measures found in use within the city; and to regulate the sale and quality of all oils and gasoline offered for sale within said city, and provide for the testing thereof.

37. To regulate the use, distribution, quality, pressure, and sale of water, gas, electric light, heat, power and other light, heat and power within the city; to fix and determine the price thereof, and to provide for the inspection and connection of all meters used in the measurements of said commodities

38. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements: to prevent and prohibit all descriptions of gambling or fraudulent devices, and practices; all playing of cards, dice, or other games of chance for the purpose of gambling; the keeping or operating of card machines, slot machines, or other contrivances upon or into which money is staked, hazarded, deposited, or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

39. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Additional  
powers of  
commission.

40. To levy and collect taxes upon all real and personal property within the city, subject to the limitations elsewhere in this charter provided.

41. To provide for the repayment by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

42. To fix the fees and charges for all official services not otherwise provided for in this charter.

43. To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended by or under the direction of the president of the commission.

44. To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

45. To provide for the sale at public auction upon five days' published notice, of personal property unfit or unnecessary for the use of the city.

46. To provide for the execution of all trusts confided to the city.

47. To offer rewards not exceeding two hundred fifty dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

48. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien, and upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, by ordinance to require, or provide, or adopt general law or laws for the planting, maintenance, or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.

49. To establish or change the grade of any street or public place.

50. To order the whole or any part of any street, avenue, lane, alley, court or public place within the city of Alhambra to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerd or resewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the commission, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the State of California, then in force, such general laws shall thereupon govern and control, and all proceedings for such improvement shall be in conformity thereto.

Additional  
powers of  
commission.

51. To order the opening, extending, widening, vacating, straightening or closing in whole or in part of any street, lane, alley, court, or public place within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the commission, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the State of California, then in force, such general laws shall thereupon govern and control, and all proceedings for such improvement shall be in conformity thereto.

52. Whenever in the judgment of the commission public necessity requires, to require by ordinance any person, firm or corporation operating a public utility within said city for the distribution and furnishing of water, gas or electricity to construct, maintain and operate in or along any street, lane, alley or public place in said city, mains, pipe lines or conduits for the carriage and distribution of water, gas or electricity, including suitable lateral pipes or conduits extending from the main pipes or conduits to the property lines of each lot fronting on said street or other public place, to carry water, gas or electricity to said property and to require the entire cost and expense of such construction to be borne and paid by the person, firm or corporation operating such public utility, and also to require such person, firm or corporation to furnish and maintain service of the product of such public utility through said mains, pipes or conduits and the commission shall have all remedies for the enforcement of the provisions of this section.

53. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

54. To construct, establish and maintain drains and sewers; to build and repair bridges.

55. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of

Additional  
powers of  
commission.

sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewage unfit for irrigation.

56. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien and charge against such property and to provide for the enforcement of such lien.

57. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom; *provided*, no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the last equalized assessment roll as assessed for city purposes be filed before the final passage of the resolution or ordinance providing for the formation thereof; *provided*, notice of such proposed passage must be published once in each week for three weeks prior thereto.

58. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

59. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service or other public utility supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

60. To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

61. To require any person, firm or corporation, exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such

manner as the commission may by ordinance direct at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Additional  
powers of  
commission.

62. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads, which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the commission, to be used for the transportation of freight only and not to be used as a main line or a part thereof: and also for the purpose of excavating or filling in a street or portion of a street or adjoining land during such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the commission.

63. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future

64. To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits

65. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

66. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

67. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants, and in the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provisions of this charter shall prevail and shall be followed.

## ARTICLE VIII.

## CITY AUDITOR AND EX OFFICIO CITY CLERK.

Powers  
and duties  
of city  
auditor.

SEC. 62. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city, subject to the approval of the commission.

He shall keep a complete set of books, as prescribed by the commission, in which he shall set forth in a plain and business-like manner, every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

The auditor shall audit, before payment, all demands against the city and approve the same only when legally due and drawn upon the proper fund. If allowed by him, he shall endorse such warrant with the word "allowed" and the date of said allowance, and sign his name thereto. If in his judgment any demand is incorrect, defective or improperly drawn, he shall return the same to the commission with his objections.

He shall keep a record of all demands audited by him, showing numbers, dates, amounts, names of claimant, purpose and from what fund drawn, whether approved or not.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned or appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers all licenses (other than building, electrical and plumbing permits) and all receipts, charging such officers therewith and taking their receipt therefor.

He shall report to the commission at the first regular meeting of each month, and oftener if required by them, the condition of each fund in the city treasury, and also the receipts and disbursements.

He shall make and present a report to the commission on or before July 15th in each year, showing all financial business transaction of the city for the preceding fiscal year.

He shall, on or before the 1st day of August in each year, make and present to the commission a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1) the revenue from other sources than taxation; (2) the itemized expenditures; (3) the itemized amounts necessary to be raised by taxation for each fund. Powers  
and duties  
of city  
auditor

He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 25th of each year.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

CITY CLERK.

SEC. 63. The city auditor shall be ex officio city clerk and clerk of the board of equalization. He shall attend the meetings of the commission and keep a full and accurate record of all the proceedings, he shall have charge and custody of the corporate seal, and all deeds and other evidences of the city's title to property, and all books, papers and records belonging to the city, when not in actual use by other officers or elsewhere by special provision committed to their custody; he shall attest the signatures of other officials and persons making demands for payment of money. He shall attend the meetings of the city board of equalization and keep a full and complete record, in a separate book, of all its proceedings; he shall enter on the assessment roll all changes and corrections made by the board of equalization and deliver the assessment roll to the auditor City clerk.

He shall keep separate books in which respectively he shall record all ordinances, contracts and official bonds, and properly index all such books and shall file and properly index all such ordinances, contracts, bonds and other instruments and papers. He shall perform such other duties as are or shall be required of him by the charter or by the laws of the state and ordinances not in conflict with such charter.

ARTICLE IX.

CITY ATTORNEY.

SEC. 64. It shall be the duty of the city attorney to act as the legal adviser of the commission, and of any other officer of the city who requests his advice and he shall give such advice or opinion in writing when so requested. He shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him by the commission, and shall approve the same as to form, in writing. City  
attorney

He shall prosecute all criminal cases arising out of violations of the provisions of this charter and ordinances of the city, and attend to all suits, proceedings and matters in which the city is legally interested; *provided*, the commission shall

have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall report to the commission all items of the city's business coming to his knowledge, and perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

#### ARTICLE X

##### CITY TREASURER AND EX OFFICIO ASSESSOR AND TAX AND LICENSE COLLECTOR.

City  
treasurer.

SEC. 65. The city treasurer shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited in the manner provided by this charter; and without such auditing he shall disburse no public moneys whatever, except principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in section 62 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury, one of which shall be filed with the city auditor.

He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, for what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the commission, a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the commission.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

##### CITY ASSESSOR.

City  
assessor.

SEC. 66. The city treasurer shall also be ex officio city assessor and it shall be his duty as such city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out annually, within such time as may be prescribed by ordinance of the city, either now or hereafter in force, a full, true and correct list of all property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday in March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as is or shall be provided by ordinance, a statement under oath setting forth

specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday in March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, as is or shall be provided by ordinance, and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than June 30th of each year.

He shall perform such other duties as shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

CITY TAX AND LICENSE COLLECTOR.

SEC. 67. The city treasurer shall also be ex officio city tax and license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance. City tax and license collector.

He shall keep proper books, showing all moneys collected by him as tax or license collector; he shall also keep a book which shall contain a record of every certificate of sale issued or deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times open to public inspection.

He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax or license collector together with the proper certificate of the auditor.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

ARTICLE XI.

POLICE COURT.

SEC. 68. The judicial power of the city shall be vested in a police court, which shall be presided over by a police judge. Said police court shall have jurisdiction, concurrently with the justice's courts and courts of inferior jurisdiction, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court or court of inferior jurisdiction, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture, prescribed for the breach of any city ordinance and all actions founded upon any obligation or liability created by any ordinance and of all prosecutions for Police court.

any violations of any ordinances. In all civil actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court; in civil actions, where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, is over fifty dollars, the defendant is entitled to a trial by jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justice's courts or courts of inferior jurisdiction in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with like effect as in cases of appeals from justice's courts or courts of inferior jurisdiction.

Police  
judge.

SEC. 69. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace or judges of courts of inferior jurisdiction for like services, except that for his services in all criminal prosecutions, he shall be entitled to receive only such monthly salary as the commission shall by ordinance prescribe.

SEC. 70. In all cases where the police judge is a party, or in which he is interested, or when he is related to either party in consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace or judge of a court of inferior jurisdiction, residing in the city, to act in his place and stead; or if there be no such justice or judge residing in the city, or if all those so residing are likewise disqualified, then he may call in any such justice or judge residing in the county in which the city is situated.

Fines.

SEC. 71. All fines, penalties and forfeitures collected shall be the property of the city and be deposited weekly with the city treasurer for the use of the city.

Docket

SEC. 72. The city shall furnish all dockets, books and supplies necessary for the business of such police court, and a courtroom for the holding thereof. A complete record of all cases shall be entered in the docket of said court.

## ARTICLE XII.

### CITY MANAGER.

City  
manager.

SEC. 73. The office of city manager of the city of Alhambra is hereby created, and he shall be the administrative head of the city government and shall have supervision and control of and be head of all of the departments of the city and be responsible for their efficient administration, except as by this charter or otherwise provided.

SEC. 74. The city manager shall be appointed by the commission and hold office at its pleasure and his compensation shall be fixed by ordinance by such commission, provided such compensation shall not be fixed at less than \$2,000 00 per year. Such appointment shall be made as soon as possible after the organization of the first commission elected under this charter and any vacancy in such office shall be filled by it without unnecessary delay. During the absence or temporary disability of the city manager the commission may designate some qualified person to execute the functions of his office

SEC. 75. Except as otherwise provided by this charter, the powers and duties of the city manager shall be:

1. To see that the laws and ordinances are enforced.
2. To appoint all chief appointive officials, subject to the approval of such appointments by the commission.
3. To appoint all subordinates and employees in the departments assigned to his charge and supervision and subject to the approval of the commission, to determine their duties and fix their compensation. To remove any appointee and no removal shall be made without his consent.
4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the commission, except as otherwise provided by this charter.
5. To examine and make to the commission reports in regard to any matters requested by it, and also of his own motion, and recommend to that body for adoption such measures as he may deem necessary or expedient
6. To sign such contracts, licenses and other public documents and instruments on behalf of the city as the commission may authorize.
7. To attend all meetings of the commission with the right to take part in the discussion but having no vote.
8. To have supervision and charge of the city auditor, city clerk, city treasurer, city assessor, city tax and license collector and city attorney only in so far as their duties pertain to the departments of which he has charge and supervision.
9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him by this charter or may be conferred or imposed upon him by the commission under the provisions of this charter.
10. Before entering upon the duties of his office he shall take the official oath required by law and execute an official bond in such sum as shall be determined by the commission.

ARTICLE XIII.

POLICE, FIRE AND HEALTH DIVISIONS.

SEC. 76. The police division of the city of Alhambra shall consist of a chief of police and such officers and policemen as the commission shall, from time to time, fix and determine.

Chief  
of  
police

SEC. 77. The chief of police shall enforce, within the jurisdiction of the city, the execution of all laws and ordinances; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against law or public authorities in the lawful exercise of their functions, he shall have all powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also lend aid, when required, for the arrest of offenders and in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly deposits with the treasurer, together with the auditor's certificate, of all city funds collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so deposited is all the funds of the city that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners. He shall devote his entire time to the discharge of the duties of his office; and subject to charter and such rules and regulations as the commission may prescribe, shall have control of the police force. In addition to his duties in this charter specified, he shall discharge all duties required of him by the laws of this state and ordinances not in conflict with this charter.

SEC. 78. The commission, subject to the provisions of this charter, shall have power to organize the police division and change the same and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police division of the city.

#### FIRE DIVISION.

Fire  
division.

SEC. 79. The fire division of the city of Alhambra shall consist of a chief and such number of officers and members as the commission shall, from time to time, fix and determine.

SEC. 80. The chief of the fire division shall, subject to the provisions of this charter and such rules and regulations as the commission may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the city manager, any member of the fire division for disobedience of any lawful order, for violation of any rule or regulation of the department, for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the special duty of superintending the extinguishment of fires that endanger the municipality or destroy

its property and shall take measures to guard and protect all property imperiled thereby and shall make recommendations to the commission as to any measures required for fire protection and prevention. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 81. The commission, subject to the provisions of this charter, shall have power to organize the fire division and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire division, and do all other acts necessary to the efficient equipment and operation of the fire division of the city.

HEALTH DIVISION.

SEC. 82. The commission shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the provisions of this charter, have such power and perform such duties as are granted or imposed by the general laws of the state or by ordinance, including the powers of a police officer in matters pertaining to his office Health division

It shall be the duty of the commission to provide by ordinance for a board of health of the city to consist of five persons, which board shall exercise all of the powers conferred by the laws of the State of California upon city boards of health.

ARTICLE XIV.

BOARD OF EDUCATION.

SEC 83 Alhambra city school district and Alhambra city high school district as now constituted are each hereby continued in existence, with identical boundaries, and each in its respective name shall hold all property, rights and privileges which it now possesses, subject to all existing liabilities, and each shall include such territory outside the limits of the city of Alhambra as may hereafter be annexed to either district for school purposes, all of which territory is herein referred to and included within the term "district," as used in this article. School district.

SEC. 84. All territory included in the limits of Alhambra city school district or Alhambra city high school district or that may hereafter be included within such limits, but not within the city limits shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts and the qualified electors therein shall vote only for members of the board of education and on questions pertaining to school matters submitted to a vote at special or general elections, and in all matters connected with the administration or support of the public schools, said outside territory shall be deemed a part of said city.

Board of  
education.

SEC. 85. The government of the schools in said district shall be vested in a board of education to consist of five members, to be elected from the district at large, as herein provided, who shall serve without compensation and who shall be elected by the qualified electors of the district at the general municipal election and shall hold office for a term of four years from and after the first day of July following their election; *provided*, that the members of the board of education elected at the first election held under this charter shall at their first meeting so classify themselves by lot that one of their number shall hold office for one year, one for two years, one for three years and two for four years respectively from the first day of July following such first election.

SEC. 86. To be eligible to the office of member of the board of education, a person must be a qualified elector of the school district and shall have resided in said school district for at least two years next preceding the date of his election or appointment.

SEC. 87. The board of education shall have entire control and management of all public schools in said district, in accordance with the constitution and general laws of the state and the provisions of this charter and said board is hereby vested with all the powers and charged with all the duties provided by this charter and also by general laws of the state for city boards of education.

SEC. 88. The board of education shall appoint a secretary who may or may not be one of their own number and shall prescribe the duties and fix the salary of such secretary.

Annual  
meetings

SEC. 89. Members of the board of education shall meet annually on the first day of July and shall organize by choosing one of their members as president, who shall serve as president for one year. In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to fill such vacancy, and if there be less than a majority of such board then in office, such appointment shall be made by the superintendent of schools of the county in which such district is situated. In either case, such appointee shall serve only until the next general municipal election, when, if the term does not then expire, a person shall be elected to fill the vacancy.

Regular  
meetings

SEC. 90. The board of education shall hold regular meetings at the office of the city superintendent of schools, at least once a month, at such time as it may determine. The board may determine the rules of its proceedings, but all its meetings shall be public and its minutes open to inspection.

Quorum

SEC. 91. A majority of the members of the board shall constitute a quorum, but the affirmative vote of three members shall be required to authorize any expenditure of public moneys, the election of appointive officers and the election of teachers.

Superintendent  
of schools.

SEC. 92. The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 93. The superintendent of schools shall be the executive officer of the board of education, shall enforce all rules and regulations adopted by the board and shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of principals and teachers shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have general supervision of the course of instruction and of the discipline and conduct of the schools.

SEC. 94. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 95. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 96. The secretary of the board shall keep a record of the proceedings of the board, and an account of all expenditures allowed by it, and for what purpose. He shall be the custodian of all books, papers and documents belonging to said district. He shall, in June of each year, make a full and complete detailed report of receipts and expenditures by the board, including an estimate of the available balance that will remain in any fund at the close of the fiscal year. He shall perform such other duties as the board may require of him.

Secretary  
of the  
board

SEC. 97. The city attorney shall be the attorney of the board of education.

SEC. 98. Plenary power and control in all matters of school administration is vested in the board of education, and no reference in this charter to any officer or board of the city shall apply to or affect said board or any member thereof, unless such board of education or member thereof is specifically referred to therein.

## ARTICLE XV.

### PUBLIC LIBRARY.

SEC. 99. The public library of the city, now existing is hereby continued in existence, and together with all branches thereof hereafter established by the city, shall be under the management of a board of five library trustees, who shall be appointed by the president of the commission, subject to the approval thereof by the commission.

Public  
library.

The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office August 1st, 1917, and two of

their number shall go out of office August 1st, 1919, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

SEC. 100. Except as provided by this charter or by ordinances not inconsistent therewith, the public library shall be controlled and managed by the board of library trustees in accordance with the provisions of general law.

## ARTICLE XVI.

### ALCOHOLIC LIQUORS.

Alcoholic  
liquors.

SEC. 101. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of the city of Alhambra, any tippling-house, dramshop, cellar, saloon, bar, bar-room, sample-room, club-room, or other place where spirituous, vinous, malt or other alcoholic liquors are sold, furnished, divided, distributed or given away.

No person, either as owner, employer, agent, clerk or employee shall sell or deliver any of the liquors in this section mentioned, or solicit such sale, or take orders for the same within the corporate limits of the city: *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the commission.

SEC. 102. Any person violating any provision of section 101 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

## ARTICLE XVII.

### ELECTIONS.

Elections.

SEC. 103. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. General municipal elections.
2. Special elections.
3. Primary nominating elections--when required as provided herein.

SEC. 104. General municipal elections shall be held in said city on the Tuesday following the first Monday in June, 1915, and on the Tuesday following the first Monday in June each year thereafter, at which shall be elected the elective officers provided for by this charter, including members of

the board of education, and all such officers shall take office on the first day of July next succeeding the day of their respective election at twelve o'clock noon.

SEC. 105. Special elections shall be held for such municipal purposes and at such times as the commission may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections. Special elections.

SEC. 106. The provisions of the general law of the state governing municipal elections, where the same are held separate from state elections, in force at the time of any city election, are hereby adopted as the law governing such city elections, and the provisions of the general laws of the state governing elections for state and county officers in force at the time of any city election shall govern such city elections in matters for which no provision is made in this charter, and the commission and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, said charter provisions shall govern. State law to govern elections.

SEC. 107. All candidates for elective city offices including members of the board of education shall be nominated in the manner provided in section 1188 of the Political Code of the State of California and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; *provided, however*, that nominating certificates for a commissioner of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and that nominating certificates of members of the board of education shall be signed by at least seventy-five qualified electors of the school district and that all other nominating certificates shall be signed by at least seventy-five qualified electors of the city; *and provided, further*, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election. Candidates.

When candidates for any office are nominated in accordance with the provisions of this section, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of all candidates for each office shall be arranged alphabetically on said ballot.

SEC. 108. If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the time of the last preceding general municipal election shall be filed with the city clerk not less Primary elections.

than forty days nor more than fifty days prior to the date of any general municipal election, requesting the commission to call a primary nominating election, the commission shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election in the manner hereinafter prescribed and no names shall be printed upon the ballot for such general election other than the names of those selected in such manner.

When held

SEC. 109. Such primary election shall be held on the second Tuesday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at same hours. The names of all candidates nominated in accordance with the provisions of section 107, and no others, shall be printed upon the ballots to be used at such primary election.

Publication of notice.

SEC. 110. At least seven days prior to the day of said primary election the city clerk shall cause to be published for three consecutive days, in at least one daily newspaper published in the city, or posted if so directed by the commission for three days in three public places in the city designated by the commission, the names of all the persons so nominated, and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

Ballots

SEC. 111. The clerk shall cause the ballots to be printed, and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices to be voted for in each municipal precinct as so published or posted, with the following caption:

“Primary nominating election, city of Alhambra (inserting date thereof)”.

“To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made.”

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter, and the names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

SEC. 112. Each ballot shall contain blank spaces underneath the printed names of candidates for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

SEC 113. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

SEC. 114. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the next general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

SEC. 115. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 116. The conduct and carrying on of all city elections shall be under the control of the commission, and it shall, by ordinance, provide for the holding of all such elections, and may district, and subdivide the city and any portion of the school district outside of the city, when participating therein, into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the city and such outside portion of the school district for such elections as often as occasion may require, but no such precinct in the city shall include within its boundaries portions of two districts of the city or any portion of the school district outside of the city. Unless the boundaries of the precincts shall be established, altered or changed as herein provided, they shall remain as fixed by the board of supervisors of the county for the registration of electors beginning in January of the last even numbered year preceding.

Elections  
under  
control of  
commission

SEC. 117. At each city election each of the election officers shall receive such compensation for his services as the commission shall fix, but not to exceed the sum of five dollars.

SEC. 118. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in his office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the commission. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on order of a court of general jurisdiction.

Election  
returns.

SEC. 119. On the first Monday after any election and at their usual hour and place of meeting, the commission shall meet and canvass the returns and declare the result.

Canvass the  
returns.

SEC. 120. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the

Certificate  
of election

same personally or by depositing such certificate with the postage and registration fee thereon prepaid and return receipt demanded, in the United States post office in Alhambra, addressed to the person elected or appointed, and such person, must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinance of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

## ARTICLE XVIII.

### FINANCE.

**Fiscal year.** SEC. 121. The fiscal year of the city shall commence upon the first day of July of each year and shall end on the thirtieth day of June of the following year.

**Tax system.** SEC. 122. The commission shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

**Use of county officers.** SEC. 123. The commission shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which this city is situated and taxes collected by the tax collector of said county for and on behalf of this city. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

**Estimates of expenses.** SEC. 124. On or before the fifteenth day of July in each year or on such date in each year as shall be fixed by the commission, the city manager, chief appointive officers and other heads of departments, offices, and boards shall send to the auditor a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards, during such fiscal year.

**Budget.** SEC. 125. The commission shall prior to fixing the tax levy annually make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the commission may deem advisable.

**Board of equalization.** SEC. 126. The commission shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of such day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or raise any assessment: *provided*, that such notice shall be given to the party whose assessment is to be raised as may be by ordinance provided.

SEC. 127. The commission must finally adopt, not later than the last Tuesday in August, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the estimated amount of income from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Ordinance  
levying  
tax.

SEC. 128. The tax levy authorized by the commission to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar (\$1.00) on each one hundred dollars of the assessed value of all real and personal property within the city.

Maximum  
tax rate.

SEC. 129. The commission shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide a fund not to exceed ten cents (10c) on each one hundred dollars (\$100 00) of the assessed valuation for the establishment and support of public parks and playgrounds, and a fund not to exceed thirty cents (30c) on each one hundred (\$100.00) of such assessed valuation for the maintenance and support of the public library.

SEC. 130. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed: every tax upon personal property shall be a lien upon real property of the owner of such personal property. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, or constituting a lien thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the commission shall have power to provide for the procedure to be followed in such sales to the city and redemption therefrom.

Tax liens.

SEC. 131. Money shall be drawn from the city treasury only upon warrants as by this charter authorized.

Allowing  
demands

SEC. 132. All demands against the city of Alhambra, except as otherwise by this charter provided, shall be presented to and audited by the commission in accordance with

such regulations as it may by ordinance prescribe; and upon the allowance of any such demand, the president of the commission shall draw a warrant upon the city treasurer for the same, which warrant shall be countersigned by the city clerk.

Uniform  
accounts.

SEC. 133. The commission shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

Paying  
money to  
treasurer.

SEC. 134. Except as otherwise provided by this charter, every officer collecting or receiving any moneys belonging to or for the use of the city shall pay the same to the treasurer accompanied by the auditor's certificate therefor on or before the first Monday of each month, or at more frequent intervals as may be directed by the commission.

Change of  
time in tax  
assessment.

SEC. 134a. The commission may by ordinance change the time fixed in this charter for the performance by any officer of any duty in connection with the assessment of property for taxation, the equalization of the tax roll, the determination of a rate of taxation and the levying of tax thereon, or the furnishing of reports relative to any of said matters, except that the assessment must be complete not later than June 30th of each year.

## ARTICLE XIX.

### CONTRACTS.

Contracts.

SEC. 135. The city of Alhambra shall not be and is not bound by any contract (except such a contract as is authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the commission shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city to be designated by the commission, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the commission; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the commission; that any such contract shall be made in writing, the draft thereof first approved as to form by the city attorney by his endorsement thereon and thereafter approved by the commission, and the same ordered to be, and be signed on behalf of the city by the president of the commission, city manager or some other person authorized thereto by resolution, and must be countersigned by the auditor who shall number and register the same in a book kept for that purpose; *provided, further*, that the commission may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding one thousand

dollars (\$1,000.00), without a contract in writing and without any previous publication or posting of notice inviting proposals.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

SEC. 136. When proposals for performing any public work or furnishing materials are invited, the commission may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the commission may provide for the work to be done by the department of public works.

May reject bids.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers.

SEC. 137. No contract for lighting streets, public buildings or offices or public places or for furnishing the city with heat or power shall be made for a longer period than one year, except that any such contract may be made with any other municipal corporation for a period not longer than ten years.

Lighting contracts.

SEC. 138. The commission shall annually let contracts for the official advertising for the ensuing fiscal year. For this purpose the commission shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named therein. The commission shall award the contract for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of awarding the contract at least one year; *provided*, that the commission may reject any and all bids if they deem advisable. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Official advertising.

SEC. 139. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or a different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed

Collusion.

SEC. 140. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, acted in collusion with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the commission shall advertise for new bids for said work, or may provide for such work to be done by the department of public works.

Officers not  
to be  
interested  
in contracts.

SEC. 141. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for or from the treasury, or by assessments levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public utility corporation in the city or of any person having any contract with the city, or of any owner of a franchise granted by the city.

Favors to  
city officers  
prohibited.

SEC. 142. Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public utility corporation, person having or contemplating any contract with the city or owner of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee of the city, any commodity or service furnished by such public utility corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

SEC. 143. Any contract or agreement made in contravention of this charter shall be void.

SEC. 144. Any violation of the provisions of this article shall be deemed a misdemeanor.

SEC. 145. The commission shall enforce the provisions of this article by appropriate legislation.

Hours  
of labor.

SEC. 146. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

## ARTICLE XX.

### STREETS AND SEWERS.

Streets and  
sewers.

SEC. 147. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of Cali-

lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the commission in such matters.

ARTICLE XXI.

FRANCHISES.

SEC. 148. Plenary control over all primary and secondary <sup>Franchises.</sup> uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as the commission may prescribe by ordinance; but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred.

SEC. 149. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article and of this charter.

SEC. 150. The commission shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

SEC. 151. The rights of the city in and to its streets, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

SEC. 152. The city may grant, for a period not to exceed <sup>Period.</sup> thirty-five years, the right and franchise to use the public streets and highways of the city for the purpose of operating street, suburban or interurban railroads and for constructing thereon or laying thereunder electric, telephone and telegraph wires and cables, conduits, gas and water mains and service pipes, in, upon, over, under or along any street, highway or other public place and may grant franchises for railroads, other than street, suburban or interurban, when authorized so to do by vote of the electors.

## Regulations

SEC. 153. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved in such grant or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

## Rates.

SEC. 154. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved in such grant or not, to prescribe and regulate the rates, fares, rentals and charges made for the service rendered under such franchise, but in no case shall the value of such franchise (exclusive of the amount originally paid to the city for such franchise and of any tax or annual charge) be considered or taken into account in prescribing and regulating such rates, fares, rentals or charges for service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

City may  
take over  
property.

SEC. 155. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance granting such franchise, the city, at its election and upon the payment of the physical valuation therefor, to be made in the manner provided in the ordinance making such grant, may purchase and take over to itself the property and plant operated under said franchise in its entirety, but in no case shall such valuation include any compensation for franchise or good will other than the amount originally paid to the city for such franchise. Or it may be provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety shall, at the expiration of the period for which the franchise was granted, become the property of the city, without compensation to the owner of the franchise. The grantee, his successor or assign, of any franchise under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm or by his oath if the

grantee, his successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction.

SEC. 156. Every ordinance granting any franchise shall further provide that upon the payment by the city of the physical valuation in the manner provided in said ordinance making such grant, the plant and property operated under said franchise in its entirety shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety, shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the owner of the franchise, the property and plant operated under said franchise in its entirety shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

SEC. 157. Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of two hundred dollars, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to be paid finally by the successful bidder. If, after the filing of such application accompanied by the original cash deposit, the commission deems it desirable to grant the same, it shall set such application for hearing and advertise the fact and the time of such hearing, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received up to the time of such hearing and the franchise sold and awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom; *provided*, that such percentage of such gross receipts during the first five years shall be not less than two per cent, and shall be not less than four per cent during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of two hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount, payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount, payable to the city clerk, as a like guaranty of good faith. At the time set for hearing the application, and the opening of the sealed

Applications

bids or proposals therefor, any bid may be raised by any responsible bidder who makes or has made his deposit of cash of five hundred dollars or certified check for such sum, offering not less than one quarter of one per cent of the gross receipts above the highest sealed bid therefor, and such bid may be raised not less than one quarter of one per cent until there shall be but one bidder therefor, and the same shall thereupon be awarded to such highest bidder. In the event said franchise be not awarded or if awarded, and within such reasonable time thereafter as the commission shall allow, such successful bidder shall cause to be executed a bond to the city in a sum to be fixed by the commission, but not less than one thousand dollars, and with sufficient sureties, approved by the president of the commission, after approval thereof as to form by the city attorney, conditioned that such bidder will faithfully execute the conditions of such franchise upon his part to be performed, then all deposits so made shall be returned to the person making them: *provided*, that the amount expended by the city for advertising and the preliminary expenses in connection therewith shall be deducted from the deposit made by such successful bidder or from the deposit made by such applicant, if no award be made, and retained by the city to reimburse itself for the expenses so incurred. Every franchise shall have inserted therein a proviso that it shall be forfeited in the event that such percentage of the gross receipts be not annually paid to the city at a date by the commission to be fixed in the ordinance granting the same.

Beginning  
of work.

SEC. 158. Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, and if not so completed within said time, the same shall be forfeited; *provided*, that the commission may by resolution extend the time for the completion thereof as they may deem advisable.

Assignment  
of  
franchise.

SEC. 159. No franchise granted by the city shall be leased, assigned or otherwise alienated without the express consent of the commission entered upon its minutes, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the owner of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Examination  
of books.

SEC. 160. Every franchise granted shall provide that, and the commission shall have authority to examine the books, vouchers and records of any person, firm, or corporation exercising or enjoying any franchise or privilege granted by the

city, and it shall be the duty of every person, firm, or corporation exercising any franchise granted by the city, to file with the city clerk annually as provided by said franchise a report of its business during the preceding year; such report shall contain a statement of the gross receipts arising from the business done by such person, firm or corporation, within said city, and such report shall contain such further facts as may be required by the commission concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

SEC. 161. Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter, or ordinance granting the same. Forfeiture

SEC. 162. No officer or employee of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm or corporation, operating under any franchise granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons or consumers similarly situated, except as hereinbefore in this article provided.

SEC. 163. Every grant of a franchise for railroad purposes shall provide for strict compliance by the owner thereof of all the provisions of subdivision 61 of section 61 of this charter.

## ARTICLE XXII.

### RECALL.

SEC. 164. Every incumbent of an elective office shall be subject to removal therefrom as follows: Recall.

SEC. 165. A petition signed by qualified electors equal in number to twenty-five per cent of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election, at which a president of the commission was elected, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the commission and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election.

SEC. 166. The petition for recall and removal from office shall be substantially in the following form: Petition  
for recall

(Individual certificate)

PETITION TO THE COMMISSION REQUIRING A SPECIAL  
MUNICIPAL ELECTION

(If such be the case)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of  
(name of office): (Here insert the reasons).

Petition  
for recall.

Reasons against the recall of (name of officer) from the office of (name of office): (Here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the commission requiring that it forthwith submit to the vote of the electors of the city of Alhambra, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he should be recalled: that I am a qualified elector of said city; that I reside at No. \_\_\_\_\_ street, between \_\_\_\_\_ street and \_\_\_\_\_ street, in said city, and that my occupation is \_\_\_\_\_  
(Signed) \_\_\_\_\_

STATE OF CALIFORNIA, )  
County of Los Angeles. } ss:  
City of Alhambra )

\_\_\_\_\_, being duly sworn, deposes and says:

That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.  
(Signed) \_\_\_\_\_

Subscribed and sworn to \_\_\_\_\_ 19\_\_\_\_,  
before me, \_\_\_\_\_

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found deficient, be returned to \_\_\_\_\_ at No. \_\_\_\_\_ street, Alhambra, California.

SEC. 167. Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. All such certificates signed by electors of each precinct, shall be arranged alphabetically and bound together. Upon receipt of such petition, the city clerk shall indorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this chapter.

Examination  
of petitions.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be

amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition, containing additional certificates, arranged and bound as above provided. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the commission.

SEC. 168. Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be made and delivered to the city clerk, one to be filed with the city clerk, one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Such affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

Affidavit of persons proposing recall.

SEC. 169. If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the commission shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition, to determine whether said officer shall be recalled, but if a general or special municipal election is to occur within sixty days after the filing of said petition, the commission may postpone the holding of such election to such general or special election.

Failure of officer to resign

SEC. 170. If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

Statement  
of reasons.

SEC. 171. There shall be printed on the sample and the official ballots, the statement of the reasons for the recall of the officer, and his answer, if any.

Ballots.

SEC. 172. The ballots at every election at which recall is to be voted upon, shall contain the following question:

Shall (name of officer) be removed from the office of (name of office)?

Following the question shall be printed the words "Yes" and "No," on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon.

The call for elections under this article shall be the same as the call for general or special municipal elections.

Officer to  
continue to  
perform  
duties

SEC. 173. After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the commission has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof, and thereupon said office shall become vacant.

No recall  
before six  
months

SEC. 174. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer and for any second or subsequent recall election the petitioners shall first deposit with the auditor an amount of cash equal to the total cost of the last recall election, for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said deposit shall be returned to the petitioners, but if said officer is not recalled, it then shall be the property of the city and the auditor shall pay the same to the treasurer for the general fund of the city.

SEC. 175. The commission shall by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

## ARTICLE XXIII.

### INITIATIVE.

Initiative.

SEC. 176. The electors of the city shall have the right to propose, by petition, and to adopt at the polls, any ordinance which the commission might enact. Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in number as hereinafter required.

Affidavit of  
proponents.

SEC. 177. Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two

hundred words giving the reasons of said proponents for the adoption of such ordinance, a statement of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The commission shall have five days after the filing of such affidavit, to send by registered mail to the address given in such affidavit, a statement, in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

SEC. 178. The form and contents of the petition and mode of certification shall be substantially as provided in article XXII of this charter, with changes as may be required to comply with the provisions of this article, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he has read such reasons. Form of petition.

SEC. 179. Upon presentation to the commission of such petition, signed and verified by qualified electors in number equal to fifteen per cent of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election at which such president was elected, asking for the submission to the electors of an ordinance that the commission itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition request the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty-five per cent of said vote, then such ordinance, if not so adopted and enacted by the commission, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition. Adoption or submission to electors

SEC. 180. If such proposed ordinance is one that the commission might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to thirty per cent of the above mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

SEC. 181. All provisions of article XXII of this charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

SEC. 182. All petitions under this article shall be filed with the city clerk within forty days after the date of the first signature thereto. If any ordinance proposed by petition, or upon which a referendum vote is requested by Filed with city clerk.

petition, be not submitted to the voters at or within the time specified in this charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

SEC. 183. Any number of proposed ordinances under the initiative or the referendum may be voted upon at one election.

SEC. 184. There shall not be held under the provisions of this article, more than one special election in any period of six months.

Ballots.

SEC. 185. The ballots used when voting upon ordinances proposed under the initiative or under the referendum, shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words "For the ordinance," and "Against the ordinance." If a majority of the votes cast on any ordinance initiated as herein provided, by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, one day after the official canvass and declaration of the result, unless a later date is provided by the terms of said initiative measure; otherwise such ordinance shall be rejected.

SEC. 186. No ordinance that has been or that may hereafter be adopted by a vote of the electors, shall be amended or repealed except by a vote of the electors.

SEC. 187. All matters relating to the form of the ballot and manner of conducting the election shall conform substantially to the requirements set forth in article XXII with changes as required to comply with the provisions of this article and a substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the commission shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

## ARTICLE XXIV.

### REFERENDUM.

Referendum

SEC. 188. The commission may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

When  
ordinances  
go into  
effect.

SEC. 189. No ordinance passed by the commission shall go into effect until the expiration of thirty days from its final publication or posting, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy or calling an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the commission; *provided*, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. At the expiration of said thirty day period, such ordinance shall be

in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to fifteen per cent of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election at which such president was elected, praying that such ordinance be submitted to a vote of the electors and thereupon such ordinance shall be suspended from operation and it shall be the duty of the commission to reconsider such ordinance; and if the same be not repealed, the commission shall submit the ordinance as is provided in articles XXII and XXIII of this charter, to the vote of the qualified electors, either at the next general municipal election occurring subsequent to the sixty days after the filing of said petition, or, if such petition be signed by qualified electors equal in number to twenty per cent of said vote, then at a special election to be called for that purpose within sixty days from the presentation of such petition and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof.

SEC. 190. All matters relating to the form of the petition, certification, examination and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in articles XXII and XXIII of this charter, with changes as may be required to comply with the provisions of this article.

SEC. 191. No ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the commission or upon a petition in regular form signed and verified, as required, by qualified electors equal to forty per cent of the entire vote provided in section one hundred eighty-nine.

Once submitted not to be resubmitted for year.

SEC. 192. If a majority of the votes cast on any ordinance referred to the electorate under the provisions of this article shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, one day after the official canvass, and declaration of the result.

SEC. 192a. The commission shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

## ARTICLE XXV.

### MISCELLANEOUS.

SEC. 193. For the purpose of the qualification and of the nomination of candidates and of electing and qualifying all officers provided for in this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1915.

When in effect.

SEC. 194. The members of the board of trustees, city clerk, city treasurer, city tax and license collector, city assessor, city recorder and the trustees of the school districts in office at the time of the approval of this charter by the legislature shall

Officers continued in office.

severally continue to hold office and discharge their respective duties until the election and qualification of the commission, auditor, treasurer, city attorney and members of the board of education respectively first elected under this charter. The term of office of all other officers in office at the time this charter shall take effect shall cease and terminate when the commission first elected here under shall by resolution so declare.

First  
election.

SEC. 195. The board of trustees of the city of Alhambra, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and fix the amounts and approve the bonds of all officers elected at such election according to the provisions relating to said bonds herein provided.

If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Alhambra then in office must provide for the holding of said election as soon as possible thereafter.

Ordinances  
continued.

SEC. 196. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Penalty for  
violation of  
charter.

SEC. 197. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the commission or ordinance shall so prescribe, in the county jail of the county in which the city of Alhambra is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Alhambra.

Right of  
railroad  
commission.

SEC. 198. The provisions of this charter as to supervision and regulation by said city of any public utility operating therein shall not, and shall not be construed to affect or impair the right of the state railroad commission to exercise any powers of supervision, regulation or control over any such public utility, which the city may by vote have surrendered to such railroad commission or which such railroad commission may have been empowered to exercise by constitutional amendment adopted prior to the taking effect of this charter.

Amendments

SEC. 199. This charter may be amended at such times and in such manner as is provided by the constitution of the State of California.

General  
law.

SEC. 200. In all matters pertaining to municipal officers, concerning which no special provision is made in this charter, the general law of the state shall be a part of this charter as far as the same may be applicable.

SEC. 201. The word "streets" when used in this charter, includes streets, highways, alleys, lanes, courts and public places. "Streets."

SEC 202. The word "city" wherever it is used in this charter, means the city of Alhambra, and every commission, department, board, division, officer or employee wherever mentioned in this charter means the commission, department, board, division, officer or employee, as the case may be, of the city of Alhambra, except that specific mention of the board of education and members thereof, refers only to said board or its members as the case may be. The term "commission" when used in this charter means the commission of the city of Alhambra. "City."  
"Commission."

SEC. 203. All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects as though begun or executed hereunder. Actions continued

CERTIFICATE.

WHEREAS, the city of Alhambra, a city containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the census taken under the direction of the congress of the United States in the year one thousand nine hundred ten, did on the thirteenth day of April, nineteen hundred and fourteen, at a general municipal election, and under and in accordance with the provisions of section 8, article XI of the constitution of the State of California, elect Chas. W. Allen, William B. Allen, Elmer E. Bailey, R. F. Bishop, Sherman A. Bullis, John L. Chase, Francis E. Corey, S. D. Crow, Frank B. Elwood, John B. Knox, William M. Northrup, F. W. Patten, Sloan Pitzer, Chester E. Striffler and Newton W. Thompson, a board of freeholders to prepare and propose a charter for said city; and

WHEREAS, the board of trustees as the legislative body of said city did on the eighteenth day of April, 1914, ascertain and declare the result of such election:

Be it known, that pursuant to the provisions of the constitution and within the period of one hundred twenty days after the result of said election was declared by the board of trustees of said city, said board of freeholders has prepared and does hereby propose the foregoing as and for the charter of the city of Alhambra; and that in submitting and proposing such charter the board of freeholders, pursuant to said provision of the constitution also presents with said charter, for the choice of the voters and to be voted on separately without prejudice to the other provisions contained in the charter an alternative proposition hereinafter stated: that said alternative proposition shall, if approved by the vote of a majority of the qualified electors voting thereon, take the place of section 101 of article XVI of the proposed charter; that said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be

printed "Shall the alternative proposition providing that hotels containing not less than forty bona fide bedrooms, may furnish vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the commission—take the place of section 101 of article XVI?"

Said alternative proposition is as follows:

### ALTERNATIVE PROPOSITION.

#### ARTICLE XV.

##### ALCOHOLIC LIQUORS.

Alcoholic  
liquors.

SEC. 101. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of the city of Alhambra, any tippling-house, dramshop, cellar, saloon, bar, bar-room, sample-room, club-room, or other place where spirituous, vinous, malt or other alcoholic liquors are sold, furnished, divided, distributed or given away.

No person, either as owner, employer, agent, clerk or employee shall sell or deliver any of the liquors in this section mentioned, or solicit such sale, or take orders for the same within the corporate limits of the city; *provided*, that this section shall not apply to hotels containing not less than forty bona fide bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the commission; *and also provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the commission.

*In witness whereof*, we have hereunto set our hands in duplicate this 14th day of August, 1914

NEWTON W. THOMPSON,  
Chairman of board of freeholders.  
SLOAN PITZER,  
Secretary of board of freeholders.  
R. F. BISHOP.  
S. D. CROW.  
SHERMAN A. BULLIS.  
WILLIAM B. ALLEN.  
JOHN L. CHASE.  
CHESTER E. STRIFLER.  
FRANK B. ELWOOD.  
F. W. PATTEN.  
ELMER E. BAILEY.  
WILLIAM M. NORTHRUP.  
FRANCIS E. COREY.  
JOHN B. KNOX.

Filed in the office of the city clerk of the city of Alhambra this 15th day of August, 1914, at 3:00 p. m.

O. M. CAULK.

City clerk of the city of Alhambra, California.

STATE OF CALIFORNIA, }  
 County of Los Angeles, } ss.  
 City of Alhambra. }

I, J. B. Sexton, president of the board of trustees of the city of Alhambra, county of Los Angeles, State of California, do hereby certify that I now am, and at all times mentioned herein since the 20th day of April, 1914, was the duly elected, qualified and acting president of the board of trustees of the city of Alhambra, county of Los Angeles, State of California, that Newton W. Thompson, Sloan Pitzer, R. F. Bishop, S. D. Crow, Sherman A. Bullis, William B. Allen, John L. Chase, Chester E. Strifler, Frank B. Elwood, F. W. Patten, Elmer E. Bailey, William M. Northrup, Francis E. Corey, John B. Knox and Charles W. Allen, a majority of whose names appear signed to the foregoing proposed charter were, and each of them was on the 13th day of April, 1914, at the general municipal election duly held in said city of Alhambra on said day, duly elected by the qualified voters of said city as a board of freeholders to prepare and propose a charter for said city of Alhambra; that each of said persons so elected as a member of said board of freeholders was a freeholder and was, at the time of said election and had been continuously for more than five years immediately prior thereto, a qualified elector of said city of Alhambra; that the foregoing is a full, true, and correct copy of said charter so proposed and prepared by said board of freeholders and filed in the office of the city clerk of said city of Alhambra and in the office of the county recorder of Los Angeles county on the 15th day of August, 1914, and within one hundred twenty (120) days after the result of said election was declared by said board of trustees of the city of Alhambra, as required by section eight (8) of article XI of the constitution of the State of California; that said proposed charter was thereafter by said board of trustees caused to be and was published ten (10) times in the "Alhambra Advocate," which at all times herein mentioned was, and now is a daily newspaper of general circulation, printed, published and circulated in said city of Alhambra, on the following days of publication of said charter, to wit: August 26th, August 27th, August 28th, August 29th, August 31st, September 1st, September 2nd, September 3rd, September 4th, and September 5th, all of said dates being in the year 1914; that the first publication thereof was made on the 26th day of August, 1914, and within fifteen (15) days after the filing of said copy of said charter, as aforesaid, in the office of the city clerk of said city of Alhambra; that, as required by the provisions of said section eight (8) of article XI of said constitution, said proposed charter was submitted

Certificate

Certificate. by said board of trustees to the qualified electors of said city at a special election duly called by ordinance number 827 of said city, which was duly adopted on the 8th day of September, 1914, to be held, not less than twenty (20) days nor more than forty (40) days after the completion of said publication, to wit, on the 14th day of October, 1914, and said ordinance did provide for the submission of said proposed charter to the qualified electors of said city for their ratification at said special election, which ordinance was duly published five (5) times prior to the time of holding such election in said "Alhambra Advocate," a daily newspaper of general circulation, printed, published and circulated in said city; that at said special election so held as aforesaid, a majority of the qualified electors of said city of Alhambra voting at said election voted in favor of such proposed charter as a whole and duly ratified said proposed charter as a whole; that the returns of said special election were duly canvassed by said board of trustees of said city of Alhambra on the 19th day of October, 1914, and thereupon said board of trustees duly found, declared, and determined that a majority of the qualified voters of said city voting at said special election had voted for, and in favor of, and had ratified said charter as a whole, as above specified; that in all matters and things pertaining to said proposed charter, all provisions of said section of said constitution, and the laws of the State of California pertaining to the submission and adoption of said charter have been fully complied with; that O. M. Caulk was at all times herein mentioned up to October 26, 1914, the duly elected, qualified and acting city clerk of said city of Alhambra, and that Walter M. Eddy is and has been since said October 26, 1914, the duly appointed, qualified and acting city clerk of said city of Alhambra.

*In witness whereof*, we have hereunto set our hands and affixed the corporate seal of the city of Alhambra this 21st day of January, 1915.

J. B. SEXTON.

President of the board of trustees of the city of Alhambra  
[SEAL]

WALTER M. EDDY.

City clerk of the city of Alhambra.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

*Resolved by the senate of the State of California, the assembly thereof concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Alhambra as presented to, adopted and ratified by the qualified electors of said city be, and the same is, hereby approved as a whole as and for the charter of the said city of Alhambra.

CHAPTER 20.

*Senate Concurrent Resolution No. 15, relative to printing of report of the recreational inquiry committee.*

[Filed with Secretary of State January 30, 1915]

WHEREAS, At the fortieth session of the legislature of the State of California, a resolution, known as Senate Concurrent Resolution No. 29, was adopted by both houses of said legislature, providing for the appointment of a recreational inquiry committee for studying, investigating and reporting, with recommendations upon recreation for both old and young in California, including recreation in rural communities as well as in small and large towns and cities; and

WHEREAS, The members of said recreational inquiry committee were duly appointed as provided by said Concurrent Resolution No. 29; and

WHEREAS, Said recreational inquiry committee, pursuant to said resolution, conducted its inquiries, investigations and studies and has embodied the results thereof in a report which in accordance with the requirements of said resolution, has been presented to the governor of this state, and is to be transmitted by the governor to the legislature; therefore, be it

*Resolved*, That five thousand copies of said report be printed and the state printer directed to print the same, said copies to be distributed by said recreational inquiry committee; and be it further Printing of recreational committee report.

*Resolved*, That the expense incurred for the said printing be paid as follows: one half from the contingent fund of the assembly; and one half from the contingent fund of the senate.

CHAPTER 21.

*Senate Concurrent Resolution No. 16, relative to the printing of copies of a constitutional booklet.*

[Filed with Secretary of State January 30, 1915]

WHEREAS, The course of study prescribed for the schools of this state requires a constant resort to the constitution of the state, and

WHEREAS, Requests are constantly being made by authorities of various school districts throughout the state and by libraries and public bodies for copies of the constitution; and

WHEREAS, It is necessary, in order to properly consider matters coming before the legislature, that the members of the

senate and of the assembly should have available for constant use copies of the constitution, conveniently arranged and indexed; and

WHEREAS, The supply of the constitutional pamphlets heretofore printed by the state has become exhausted and recent amendments have been adopted by the people; now, therefore, be it

Superintendent of state printing directed to print constitutional booklet

*Resolved by the senate, the assembly concurring.* That the superintendent of state printing be directed to print, as a part of the legislative printing for which an appropriation has been made at this session, three thousand copies of a constitutional booklet to contain the constitution of the State of California, including the latest amendments thereto, properly arranged and indexed, and the constitution of the United States, as soon as possible after the adoption of this resolution, and that three hundred copies of said book be bound in limp red leather, and that a copy thereof be placed on the desk of each member of the senate and of the assembly on the first day of the session following the constitutional recess, and that twenty-seven hundred copies be bound in heavy paper and be kept in stock by the superintendent of state printing for distribution to schools, libraries and public bodies

## CHAPTER 22.

*Assembly Concurrent Resolution No 15, relative to the observance of "California ripe olive day"*

[Filed with Secretary of State March 30, 1915.]

WHEREAS, The olive, since time immemorial, has been the emblem of peace and good will; and

WHEREAS, The olive is one of the most important products of the State of California; and

WHEREAS, The California ripe olive is a most healthful, nutritious and delectable food; and

WHEREAS, It is especially desirable and propitious that this historic and delicious fruit be given suitable recognition at this time; and

WHEREAS, The observance of a special day as "California ripe olive day" throughout this commonwealth would be an eminently fitting form for such recognition; now, therefore, be it

California ripe olive day.

*Resolved by the assembly of the State of California, the senate concurring,* That the thirty-first day of March, 1915, be set apart and observed as "California ripe olive day."

CHAPTER 23.

*Senate Concurrent Resolution No. 4, relative to approving eleven certain amendments to the charter of the city of Petaluma, county of Sonoma, State of California, voted for and ratified by the qualified electors of the said city of Petaluma at a general municipal election held therein for that purpose on the tenth day of June, 1913.*

[Filed with Secretary of State April 3, 1915.]

WHEREAS, The city of Petaluma, in the county of Sonoma, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year 1911, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of February, A. D. 1911, and approved by the legislature of the State of California on the eighth day of March, 1911 (statutes of 1911, page 1799); and

Petaluma  
charter  
amendments

WHEREAS, The city council of the said city of Petaluma did by ordinance duly adopted by said city council and approved by the mayor of said city on the twenty-first day of April, 1913, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of Petaluma, certain amendments to the charter of said city of Petaluma to be submitted to the said qualified electors at a general municipal election to be held in said city on the tenth day of June, 1913; said amendments being thirteen in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for ten days in a daily newspaper printed and published in said city of Petaluma, and having a general circulation therein, to wit: *The Petaluma Argus*; said publication beginning on the twenty-second day of April, 1913, and ending the third day of May, 1913; and

WHEREAS, The city council of said city did by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a general municipal election in said city of Petaluma on the tenth day of June, 1913, said day being at least forty days after the publication of said proposed amendments for ten days in said daily newspaper of general circulation in said city of Petaluma, to wit: *The Petaluma Argus*; and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said tenth day of June, 1913, and at said election a majority of the qualified electors voting thereon voted in favor of the

ratification of and did ratify eleven of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Petaluma in accordance with the law in such cases made and provided, did meet on Monday, the sixteenth day of June, 1913, at their usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified eleven of said proposed amendments to the charter of said city of Petaluma; and

WHEREAS, The said eleven subsequent amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER ONE.

Section 12 of article 3 of said charter is amended so as to read as follows:

Lease of  
public  
utility  
owned  
by city

Section 12. To lease to corporations or individuals, for purpose of maintenance and operation, of any public utility owned by the city, and to provide for the lease of any land now or hereafter owned by the city.

CHARTER AMENDMENT NUMBER TWO.

Section 65 of article 3 of said charter is amended so as to read as follows:

Entertain-  
ment fund.

Section 65. May expend such sum or sums, not to exceed in the aggregate, in any one fiscal year, the sum of three hundred (\$300) dollars from the revenues of the city for entertainment and promotion, or entertainment or promotion.

CHARTER AMENDMENT NUMBER THREE.

Section 1 of article 4 of said charter is amended so as to read as follows:

Elections.

Section 1. Elections to be held in said city for the purpose of electing officers of said city, and for all other purposes, are to be of two kinds: general municipal elections and special municipal elections

The first general election under this charter shall be held on the second Tuesday of April, 1911, and the second general election shall be held on the second Tuesday of June, 1913, and all other general municipal elections shall be held on the second Tuesday of June, of each second year thereafter.

All general and special municipal elections of said city are to be held in accordance with the provisions of the law of the state governing the holding of general elections.

The conduct and carrying on of all city elections shall be under the control of the council and the mayor. The council shall by ordinance make provision for the holding of all city elections and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections and consolidate such precincts in the municipality for

such elections, provided no change is made in the boundaries of the election precincts as the same are established by the board of supervisors of Sonoma county.

CHARTER AMENDMENT NUMBER FOUR.

Section 13 of article 6 of said charter is amended so as to read as follows:

Section 13. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than \$200; for the appropriation, acquisition, sale or lease of public property; for the granting of any franchise, for the establishing or changing of the fire limits; or for the imposing of any penalty, shall be taken except by ordinance. Expenditure  
by  
ordinance

CHARTER AMENDMENT NUMBER FIVE.

Section 22 of article 6 of said charter is amended so as to read as follows:

Section 22. If a vacancy shall occur in any elective office, by reason of death, removal, or any cause whatever, the council shall forthwith, at either a regular or adjourned, or a called meeting of the said council, appoint a person to fill such vacancy; *provided, however,* that the said appointee shall be eligible under the provisions of this charter; *and provided, further,* that the appointee shall receive the affirmative votes of at least four members of the council. Vacancy  
in office.

CHARTER AMENDMENT NUMBER EIGHT.

Section 9 of article 7 of said charter is amended so as to read as follows:

Section 9. There shall be a chief of police. The department of the police shall be under the direction of the chief of police. He shall have all the powers given to peace officers under the laws of this state and he shall perform all duties imposed upon him by the ordinances of the council. Chief of  
police.

CHARTER AMENDMENT NUMBER NINE.

Section 17l of article 7 of said charter is amended so as to read as follows:

Section 17l. The mayor of the city of Petaluma shall receive compensation for his services the sum of six hundred dollars per year, and each member of the city council shall receive a compensation of one hundred and fifty dollars per year, which said amount shall be in full payment of all services rendered said city whether as mayor, members of the council or as members of the board of equalization. The said yearly salary shall be paid in monthly installments. Salaries

CHARTER AMENDMENT NUMBER TEN.

Section 1 of article 11 of said charter is amended to read as follows:

Section 1. The council shall by resolution provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed Taxes

upon the assessment roll. During the month of September in each year, it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal, on the bonded indebtedness, shall not exceed the sum of one hundred cents for each one hundred dollars of assessed valuation as the same appears upon the assessment roll.

CHARTER AMENDMENT NUMBER ELEVEN.

Section 5 of article 12 of said charter is amended so as to read as follows:

Lighting.

Section 5. No contract for lighting streets, public buildings, places or offices, shall be made for a longer period than five years. All contracts for said purpose or purposes must contain a provision that the rate shall not, during the existence of said contract, be in excess of the minimum rate or rates established for the inhabitants of the city of Petaluma.

CHARTER AMENDMENT NUMBER TWELVE.

Section 1 of article 18 of said charter is amended so as to read as follows:

Amendments.

Section 1. This charter may be amended as provided in the constitution of the State of California and in the general laws of said state.

CHARTER AMENDMENT NUMBER THIRTEEN.

Section 12 of article 17 of said charter is amended so as to read as follows:

Eligibility  
to hold  
office.

Section 12. No person shall be eligible to hold office in the city whether elective or appointive unless he be an elector therein, and have resided within its present limits, for at least two years next preceding the dates of such election or appointment, except superintendents, principals and teachers, of the public schools; and city engineers, and as herein otherwise provided.

Certificate.

STATE OF CALIFORNIA,  
County of Sonoma,            }  
City of Petaluma.            } ss.

This is to certify that we, A. W. Horwege, mayor of the city of Petaluma, and Frank B. Singley, clerk of the city of Petaluma, have compared the foregoing proposed and ratified amendments to the charter of the city of Petaluma with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a general municipal election, called for that purpose on Tuesday the tenth day of June, 1913, and find that the foregoing is a full, true, correct and exact copy thereof and of each of them; and we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true.

That as to all of said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

*In witness whereof*, We have hereunto set our hands and caused the corporate seal of the city of Petaluma to be attached, this first day of December, 1914.

[SEAL]

A. W. HORWEGE,  
Mayor.

F. B. SINGLEY,  
City clerk of the city of Petaluma.

AND WHEREAS, The said proposed amendments to the charter of the city of Petaluma so ratified are now submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval  
by  
legislature

*Resolved by the senate of the State of California, the assembly thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein). That the said amendment to the said charter of the said city of Petaluma hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Petaluma be, and the same are hereby approved as a whole for, and as amendments to said charter of said city of Petaluma.

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#### CHAPTER 24.

*Assembly Concurrent Resolution No. 19, approving five certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special election held therein on the sixteenth day of March, 1915.*

[Filed with Secretary of State April 8, 1915]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (statutes of 1899, page 241); and

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Francisco  
charter  
amendments

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charter  
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WHEREAS, The legislative authority of said city and county namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-six certain amendments to the charter of said city and county of San Francisco by the submission of thirty-six proposals, entitled as follows, to wit:

#### CHARTER AMENDMENT No. 1.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 11 and 13 of chapter I of article III, relating to the limit of tax levy.

#### CHARTER AMENDMENT No. 2.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter III of article II by adding a new paragraph thereto relating to the use of the label of the Allied Printing Trades Council.

#### CHARTER AMENDMENT No. 3.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter III of article II to be designated section 7, relating to award of contracts, for articles or materials manufactured, made or produced in the city and county of San Francisco and upon conditions fair to union labor.

#### CHARTER AMENDMENT No. 4.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending article I by adding a new section to article I designated as section 1½, relating to the powers of the city and county in municipal affairs.

#### CHARTER AMENDMENT No. 5

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, relating to the limit of bonded indebtedness.

#### CHARTER AMENDMENT No. 6

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter I of article III, to be designated section 17, relating to an extension of time for the payment of the first installment of taxes

CHARTER AMENDMENT No. 7.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 1 and 5 and adding new sections to be designated section 1a, 1b, 1c, 1d and 1e to chapter III of article II, relating to contracts for material and supplies and the regulation thereof.

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CHARTER AMENDMENT No. 8.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending subdivision 13 of section 1 of chapter II of article II, relating to the power of the board of supervisors to regulate the quality and quantity of lighting and other appliances in the streets and grounds of the city and county.

CHARTER AMENDMENT No. 9.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II, relating to an alternative proposition to do the official advertising in the "Municipal Record."

CHARTER AMENDMENT No. 10.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 13 and 19 of chapter I of article II, relating to official publications for three days instead of five days.

CHARTER AMENDMENT No. 11.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIII, relating to positions under the civil service provisions of the charter.

CHARTER AMENDMENT No. 12.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3, 8, 9 and 10 of article XIII, relating to appointments, promotions and discharge of civil service employees.

CHARTER AMENDMENT No. 13.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article II to be designated section 12, relating to pensions for city and county employees.

## CHARTER AMENDMENT No. 14.

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Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article III to be designated chapter V, relating to the creation and disposal of a relief fund for the unemployed.

## CHARTER AMENDMENT No. 15.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 21 of chapter I of article VI, relating to progressive payments for contracts made with the city and county of San Francisco.

## CHARTER AMENDMENT No. 16.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 33 of chapter II of article VI, relating to street improvements.

## CHARTER AMENDMENT No. 17.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 12 of chapter VI of article VI, and by adding a new section thereto to be numbered section 17 relating to the change of street grades.

## CHARTER AMENDMENT No. 18.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to article XVI designated as section 29½, relating to the issuing of bonds to the amount of one million dollars for the purpose of creating a "revolving fund" for street improvements.

## CHARTER AMENDMENT No. 19.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending subdivision 18 of section 1 of chapter II of article II, relating to appropriations for the celebration of holidays.

## CHARTER AMENDMENT No. 20.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter I of article III to be designated section 18, relating to the levy of a tax for publicity purposes.

CHARTER AMENDMENT No. 21.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter IV of article VII, relating to the superintendent of schools as a member of the board of education.

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CHARTER AMENDMENT No. 22.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 1, 2, 3, 4 and 5 of chapter III, sections 3 and 5 of chapter IV, sections 1, 2, 3, 4, 7, 8 and 10 of chapter V and repealing section 5 of chapter V of article XI, relating to the initiative, referendum and recall.

CHARTER AMENDMENT No. 23.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter VIII of article VIII, relating to the disposal of firearms by the police department.

CHARTER AMENDMENT No. 24.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending subdivision 3 of section 1 of chapter III of article VIII, relating to the sale of intoxicating liquor in less quantities than two gallons.

CHARTER AMENDMENT No. 25.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV, relating to the tax levy for public parks.

CHARTER AMENDMENT No. 26.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter VI of article V, relating to an increase of salary of jail guards.

CHARTER AMENDMENT No. 27.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending chapter V of article VIII, relating to subordinate officers of the police department, abolishing the grade of corporal and increasing the number of lieutenants, detective sergeants and sergeants.

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CHARTER AMENDMENT No. 28.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter VII of article IV, relating to the copyists in the recorder's office.

CHARTER AMENDMENT No. 29.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VIII of article IX, relating to an increase of salary of hydrantmen and firemen on fire boats.

CHARTER AMENDMENT No. 30.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article X, relating to salaries for members of the board of health.

CHARTER AMENDMENT No. 31.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 2 and 3 of chapter I of article XI, relating to the board of election commissioners and the registrar of voters.

CHARTER AMENDMENT No. 32.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter I of article IV, relating to an increase of salary of the secretary to the mayor.

CHARTER AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI, relating to an increase of salary of the secretary of the board of public works.

CHARTER AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of article XIVa, relating to the term of office of the playground commissioners.

CHARTER AMENDMENT No. 35.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by

adding a new section to chapter II of article II to be designated section 11 relating to an exchange of land by said city and county with the Sutro estate.

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charter  
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CHARTER AMENDMENT No. 36.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to article XVI to be designated section 42, relating to the time when any increase of salary shall take effect.

And

WHEREAS, Said thirty-six proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for one day after their passage in the "Daily Journal of Commerce," a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described, an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "Daily Journal of Commerce," that such copies could be had upon application therefor to the office of the board of supervisors, and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 3120 (new series), of the board of supervisors, approved February 25, 1915, call a special election, to be held in the city and county of San Francisco on the sixteenth day of March, one thousand nine hundred and fifteen, and ordered placed upon the ballot at said election, the said thirty-six several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special election was held in said city and county of San Francisco, on the sixteenth day of March, one thousand nine hundred and fifteen, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "Daily Journal of Commerce," newspaper, said special election having been held after the beginning of a regular session of the legislature, and before the final adjournment thereof; and

WHEREAS, On the twenty-second day of March, one thousand nine hundred and fifteen, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said special election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

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WHEREAS, At said special election so held on the sixteenth day of March, one thousand nine hundred and fifteen, five of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, twenty-one, twenty-three, and thirty-six, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, Thereafter, to wit, on the twenty-fifth day of March, one thousand nine hundred and fifteen, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "Official statement of votes polled at the special election held in the city and county of San Francisco State of California, on Tuesday, the sixteenth day of March, A. D. 1915, for charter amendments"; and

WHEREAS, The said five charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

#### CHARTER AMENDMENT NO. 1.

That sections 11 and 13 of chapter I of article III be amended to read as follows:

Taxes

Section 11. On or before the third Monday in September of each year, the supervisors shall levy the amount of taxes for city and county purposes required to be levied upon all property not exempt from taxation. The amount should be sufficient to provide for the payment during the fiscal year of all demands upon the treasury authorized to be paid out of the same; but such levy, exclusive of the state taxes and the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the city and county, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares and public grounds of the city and county shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The supervisors in making the levy shall apportion the taxes to the several funds.

Rates

Section 13. The limitation in section 11 of this chapter upon the rate of taxes shall not apply in the case of any great necessity or emergency. In such case the limitation may be temporarily suspended and the rate of taxes be increased so as to enable the supervisors to provide for such necessity or emergency. No increase shall be made to provide for such necessity or emergency in the rate of taxes authorized to be levied under section 11 of this chapter, unless such increase be authorized by ordinance passed by the unanimous vote of the supervisors and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board.

Nor shall the limitation in section 11 of this chapter upon the rate of taxes apply in the case of taxes levied by ordinance passed by at least fifteen supervisors and approved by the mayor for any of the following purposes, to wit: To meet the cost of elections; to pay any demands, salaries, expenses or other obligations imposed upon the city and county of San Francisco by a legislative or constitutional enactment of the State of California or of the United States: to meet any increase in demands, salaries, expenses or other obligations imposed upon the city and county of San Francisco by any measure hereafter passed by direct vote of the people of the city and county of San Francisco: to meet the expense or cost of schools or of the school department; to meet the cost of construction and repair of streets, sewers or of buildings for the police, fire, health or school departments or detention home; to meet the cost of maintaining public libraries and of purchasing books therefor; *provided, however,* that the limitation of section 11 of this chapter upon the rate of taxes shall not be exceeded in any one fiscal year by more than sixty-five cents on each one hundred dollars valuation of the property assessed except in the case of a great necessity or emergency heremabove mentioned or except for the purpose of meeting the cost of elections, or paying any demands, salaries, expenses or other obligations imposed upon the city and county of San Francisco by legislative or constitutional enactment of the State of California or of the United States, or for the purpose of meeting any increase in demands, salaries, expenses or other obligations imposed upon the city and county of San Francisco by any measure hereafter passed by direct vote of the people of the city and county of San Francisco, or to meet the cost of maintaining public libraries and the purchase of books therefor. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law, or which can not be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

CHARTER AMENDMENT NO. 6.

That a new section be added to chapter J, article III, of the charter to be known as section 17 and to read as follows:

Section 17. The taxes levied for city and county purposes shall be payable at the times prescribed by general law and may be paid in installments and shall become delinquent at the times and in the manner as provided by general law, but the supervisors by an ordinance passed prior to the second Monday in October of any calendar year, may provide that the delinquent date of the first installment of such taxes for the then current fiscal year shall be postponed until the second Monday in January next, and when such an ordinance shall have been passed in any calendar year the first installment of

Taxes,  
payable,  
delinquent

taxes for the then current fiscal year shall not become delinquent until the second Monday in January next, and any notice published by the tax collector shall specify the delinquent date so postponed by ordinance of the board of supervisors.

CHARTER AMENDMENT No. 21.

That section 1 of chapter IV of article VII be amended to read as follows:

Superintendent of schools.

Section 1. The superintendent of schools of the city and county shall be elected by the qualified electors thereof at each gubernatorial election.

He shall be by virtue of his office a member of the board of education. He shall receive an annual salary of four thousand dollars.

CHARTER AMENDMENT No. 23.

That section 3 of chapter VIII of article VIII be amended to read as follows:

Unclaimed property.

Section 3. All unclaimed property and money that has been in the custody of the property clerk for one year shall be sold at public auction (with the exception of firearms and other deadly weapons which must be destroyed by property clerk), after having been five times advertised in the official newspaper; and the proceeds of such sale shall be paid into the treasury to the credit of the police relief and pension fund. In no case shall such property be sold or disposed of until the necessity for the use thereof as evidence has ceased. The proceeds of property taken from insane persons shall not become part of such fund until after the expiration of three years from the time the same is paid into the treasury; but the commissioners and the chief of police shall, during such period make diligent inquiry to ascertain the person or persons to whom the same should by right be payable.

CHARTER AMENDMENT No. 36.

That a new section be added to article XVI to be designated section 42 and to read as follows:

Salary increases.

Section 42. Except as otherwise provided, all amendments to the charter submitted and adopted concurrently herewith, or that may be hereafter adopted, that increase the salary of any officer or employee shall not take effect until the end of the fiscal year in which such amendment is ratified by the legislature of the State of California.

Certificate

STATE OF CALIFORNIA,  
City and county of San Francisco. } ss.

This is to certify that we, James Rolph, Jr., mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a special election held on Tuesday, the sixteenth day of March, one thousand nine hundred and fifteen

and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this 26th day of March, one thousand nine hundred and fifteen.

JAMES ROLPIE,

Mayor of the city and county of San Francisco

[SEAL.]

J. S. DUNNIGAN,

Clerk of the board of supervisors of the city and county of San Francisco.

Now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city and county of San Francisco, as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco. Approval  
by  
legislature.

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CHAPTER 25.

*Senate Concurrent Resolution No. 18, relative to the approval on the part of the legislature of certain amendments to the charter of the city of San Diego, California.*

[Filed with Secretary of State April 8, 1915.]

WHEREAS, the City of San Diego, in the County of San Diego, State of California, contains a population of over seventy-five thousand inhabitants and has been ever since the year one thousand eight hundred and eighty-nine, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Section Eight of Article Eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the second day of March, in the year one thousand eight hundred and eighty-nine, in manner, form and substance as required by law, and was thereafter on the sixteenth day of May, in the year one thousand eight hundred and eighty-nine, duly approved by the Legislature of the State of California; and, San Diego  
charter  
amendments

WHEREAS, the legislative body and authority of said city, being the Common Council thereof, did, on its own motion, by resolution passed and adopted by said Common Council on the

San Diego  
charter  
amendments

first day of February, in the year one thousand nine hundred and fifteen, and approved by the Mayor of said City subsequent thereto and on the second day of February in the year one thousand nine hundred and fifteen, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of San Diego certain amendments to the Charter of said City of San Diego; and,

WHEREAS, the legislative body and authority of said city, being the Common Council thereof, did, on its own motion, by resolution passed and adopted by said Common Council on the third day of February in the year one thousand nine hundred and fifteen, and approved by the Mayor of said City subsequent thereto and on the third day of February in the year one thousand nine hundred and fifteen, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of San Diego certain other and additional amendments to the Charter of said City of San Diego; and,

WHEREAS, the legislative body and authority of said City, being the Common Council thereof, did, on its own motion, by resolution passed and adopted by said Common Council on the eighth day of February, in the year one thousand nine hundred and fifteen, and approved by the Mayor of said City subsequent thereto and on the eighth day of February, in the year one thousand nine hundred and fifteen, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of San Diego certain other and additional amendments to the Charter of said City of San Diego; and,

WHEREAS, said Common Council did, by resolution passed and adopted by said Common Council on the eighth day of February, in the year one thousand nine hundred and fifteen, proclaim and fix the twenty-third day of March, in the year one thousand nine hundred and fifteen, as the date upon which all of said amendments so proposed by said Common Council of said City of San Diego would be submitted to the qualified electors of said City of San Diego; and,

WHEREAS, said Common Council did, by Ordinance number six thousand and thirty-eight, entitled, "An Ordinance proclaiming a primary election and submitting certain charter amendments to the electors of the City of San Diego," which ordinance was passed by said Common Council of said City on the fifteenth day of February, in the year one thousand nine hundred and fifteen, and was approved by the Mayor of said City on the sixteenth day of February, in the year one thousand nine hundred and fifteen, call an election of the qualified electors of said City, to be holden in said City on the twenty-third day of March, in the year one thousand nine hundred and fifteen, wherein and whereby said amendments were, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, duly submitted to the qualified electors of said city for their approval; and,

WHEREAS, said amendments proposed by said resolution of said Common Council of said City of San Diego on the first day of February, in the year one thousand nine hundred and fifteen, and said amendments proposed by said resolution of said Common Council of said City of San Diego on the third day of February, in the year one thousand nine hundred and fifteen, were, and each of them was on the fifth day of February, in the year one thousand nine hundred and fifteen, and within fifteen days after the passage and adoption of said resolutions of said Common Council of said City of San Diego proposing said amendments, published once in The Evening Tribune, the official paper of said City of San Diego; and,

San Diego  
charter  
amendments.

WHEREAS, said amendments proposed by said resolution of said Common Council of said City of San Diego on the eighth day of February, in the year one thousand nine hundred and fifteen, were, and each of them was on the ninth day of February, in the year one thousand nine hundred and fifteen, and within fifteen days after the passage and adoption of said resolution of said Common Council of said City of San Diego proposing said amendments, published once in The Evening Tribune, the official paper of said City of San Diego; and,

WHEREAS, said Common Council of said City of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the fifteenth day of February, in the year one thousand nine hundred and fifteen, until the twenty-third day of March, in the year one thousand nine hundred and fifteen, being the date fixed for the election upon such Charter amendments, did advertise in The Evening Tribune, a paper of general circulation, published in said City of San Diego, a notice that such copies of said amendments might be had upon application therefor at the office of the City Clerk in the City Hall of said City; and,

WHEREAS, said election was held in said City on said twenty-third day of March, in the year one thousand nine hundred and fifteen, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments, and of each of them in the official paper of said City of San Diego, being The Evening Tribune; and,

WHEREAS, said amendments were, pursuant to the terms of said Ordinance numbered six thousand and thirty-eight, described and submitted to the qualified voters of said City of San Diego, at said election held on the twenty-third day of March, in the year one thousand nine hundred and fifteen, in manner and form as follows:

“Proposition I. Amend Section 4 of Chapter IV of Article I of the City Charter.

This amendment provides for the recall of all elective officers in the manner outlined by the General Laws of the State of California.”

“Proposition II. Amend Section 9 of Chapter II of Article VI of the City Charter.

San Diego  
charter  
amendments

This amendment creates a Special Election Fund to contain at all times sufficient money to defray expense of two special elections."

"Proposition III. Amend Section 1 of Chapter I of Article III of the City Charter.

Amend Section 5 of Chapter I of Article II of the City Charter.

Amend Section 19 of Chapter I of Article II of the City Charter.

Amend Section 20 of Chapter I of Article II of the City Charter.

Amend Section 9 of Chapter I of Article III of the City Charter."

This amendment makes the Mayor Ex-officio President of the Common Council, with a voice, but no vote, in its deliberations, and creates from among its members the office of Vice-President to act in the absence of the President and to retain the right to vote."

"Proposition IV. Add Section 11 to Chapter I of Article III of the City Charter.

This amendment provides for the appointment and removal of the Chief of Police by the Mayor, subject to confirmation by a majority of the Common Council, or removal by the Common Council alone by a two-thirds vote."

"Proposition V. Amend Section 2 of Chapter I of Article II of the City Charter.

This amendment makes the Common Council a purely legislative body, without executive or administrative powers, creates a Manager of Operations, to be appointed or removed by the Common Council, such Manager to have charge of all departments excepting the Departments of Fire and Police."

"Proposition VI. Add Article XI to the City Charter.

This Article provides for Civil Service for City employees, excepting all elective officers, all officers, members of appointive boards and commissions, and other persons serving the City without compensation, the Secretary of the Civil Service Commission, the Chief of Police, the City Attorney and his Deputies, the City Clerk, the City Engineer and Chief Assistant, the Hydraulic Engineer, the City Librarian, the Chief Deputy of the City Treasurer, the City Auditor and City Assessor, the Chief Deputy of the City Auditor and the Chief Deputy of the City Assessor, the Secretary of the Mayor, the Manager or Superintendent of each administrative department, and one assistant of each such Manager or Superintendent, the Superintendents, principals and teachers in the school system, and the members of the Fire Department of the City of San Diego."

"Proposition VII. Repeal Chapter II of Article I of the City Charter.

This Chapter now divides the City into nine wards."

"Proposition VIII. Amend Section 5 of Chapter VII of Article V of the City Charter.

This amendment provides for an annual tax levy of not less than eight cents, nor more than twelve cents on each one

hundred dollars valuation of property, for the maintenance and improvement of public parks, plazas and squares.”

San Diego  
charter  
amendments

“Proposition IX. Amend Section 1 of Chapter II of Article II of the City Charter.

This amendment provides that moneys collected for dog licenses, fines for violation of humane laws affecting animals, and moneys paid upon redemption of impounded animals, shall be placed in a special fund to be used for the support of the public pound; also provides for the leasing of Pueblo Lands north of the San Diego River for a period of not to exceed fifteen years; also provides that the Common Council shall have superintendence and control of public works; also requires all appropriations of money to be made by ordinance.”

“Proposition X. Amend Sections 1 and 2 of Chapter III of Article IX of the City Charter.

This amendment changes the present Charter provisions requiring all five members of the Board of Health to be practising physicians, so that but three members need be practising physicians.”

“Proposition XI. Amend Section 8 of Chapter 7½ of Article III of the City Charter.

This amendment provides for an appropriation annually of not less than two cents, nor more than five cents, on each one hundred dollars valuation of property, for the acquisition, development and maintenance of children’s playgrounds.”

“Proposition XII. Add Section 6 to Chapter IV of Article I of the City Charter.

This Section provides that whenever an initiative, referendum or recall petition shall be presented, requiring a special election to be held, it must be accompanied by a bond running to The City of San Diego, in a sum of not less than five thousand dollars, conditioned that the proposition submitted shall receive a majority of the votes cast.”

And,

WHEREAS, on the twenty-fifth day of March, in the year one thousand nine hundred and fifteen, being the Thursday following said election, at an adjourned meeting of said Common Council of said City, said Common Council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said Common Council did thereby find and determine, and this Legislature finds and determines, that those certain amendments proposed in said resolutions and submitted to the electors of said City, and designated in said Ordinance numbered six thousand and thirty-eight, as Proposition One; Proposition Two; Proposition Three; Proposition Four; Proposition Five; Proposition Six; Proposition Seven; Proposition Eight; Proposition Nine; Proposition Ten; and Proposition Eleven, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment; and said Common Council of said City of San Diego did thereby find and determine, and this Legislature finds and determines that a certain

San Diego  
charter  
amendments

amendment proposed in one of said resolutions and submitted to the electors of said City of San Diego, and designated in said Ordinance numbered six thousand and thirty-eight, as Proposition Twelve, was not ratified by a majority of the qualified voters voting on such amendment; and,

WHEREAS, said Charter amendments, and each of them, so ratified by the qualified voters of said City of San Diego at said election, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, which amendments so ratified by the qualified electors of said City of San Diego, are in words as follows, to-wit:

Amend Section 4 of Chapter IV of Article I of said Charter of the City of San Diego, to read as follows:

Officers may  
be recalled

Petition

“Section 4 The holder of any elective office of this municipality may be removed or recalled at any time by the electors; provided, he has held his office at least four months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the City Clerk, which petition shall be signed by registered voters equal, in number to at least twenty-five per cent of the entire vote cast for Mayor at the last preceding general municipal election, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each such paper shall make oath before an officer competent to administer an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary the city council, board of trustees or other governing body shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall

Examination  
of  
signatures

submit the same to the city council, or board of trustees, or other governing body without delay, whereupon the council, or board of trustees or other governing body shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the same manner as are nominations for such office at general municipal elections. Upon the sample ballot there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer set forth in the recall petition, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

Election

Reasons for recall, etc. printed on sample ballot

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: 'Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?' following which question shall be the words 'Yes' and 'No' on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote 'No,' said incumbent shall continue in said office. If a majority shall vote 'Yes,' said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days

Form of question

Candidates to succeed recalled officer.

Canvass of votes

Successor elected

after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Recalled  
officer not  
eligible for  
office

No person who has been recalled or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such resignation or recall. The successor of any officer so recalled shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this section."

Amend Section 9 of Chapter II of Article VI of said Charter, to read as follows:

Funds  
established.

"Section 9. The following funds are hereby established:

1. 'Fire Department Fund,' upon which all warrants must be drawn for Fire Department supplies and expenses whatsoever.

2. 'Salary Fund,' from which all salaries of city officers and their deputies, including regular policemen, must be paid.

3. 'Police Department Fund,' from which must be paid all expenses of the Police Department, except salaries of regular policemen.

4. 'Street Fund,' from which must be paid all expenses for street repairs, street sprinkling and cleaning, highway and bridge repairs, and all other street improvements not otherwise provided for in this charter.

5. 'Harbor and Wharf Fund,' from which must be paid all expenses for wharf building and repairs, and for all harbor improvements.

6. 'Sewer and Drainage Fund,' from which all expenses for sewer and drainage construction and repairs must be paid.

7. 'School Fund,' from which must be paid all salaries of teachers in the city public schools, and all expenses of such schools, together with all expenses of repairs to school buildings, school furniture, and other necessary expenditures by the Board of Education, including the erection of school buildings and purchase of sites therefor.

8. 'Street Light Fund,' from which must be paid all sums for lighting the city by electric light, gas, etc.

9. 'Park Improvement Fund,' from which must be paid all expenses for park and boulevard improvements, such as construction and building of drives, boulevards, and planting of trees, and other improvements.

10. 'Public Health Fund,' from which must be paid all expenses of the Health Department, including scavengers, and all expenses of disposing of garbage, etc.

11. 'Library Fund,' from which must be paid all expenditures made and ordered by the Board of Library Trustees and the San Diego Public Library.

12. 'Public Building Fund,' from which all expenditures for public buildings of the city (other than school buildings) must be paid.

13. 'Office Fund,' from which all expenditures for furniture, fuel, stationery, books, etc., furnished to the city officers and departments must be paid.

14 'General Fund,' from which must be paid appropriations and general expenses not payable from other funds.

15. 'Special Election Fund,' from which shall be paid the expenses of all special elections. Transfers of money from the General Fund to the Special Election Fund shall be made at such times and in such amounts so that there shall stand at all times to the credit of the Special Election Fund moneys sufficient to defray the expense of at least two special elections.

The Common Council may from time to time establish such other funds as they may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds, and other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said city; and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this charter, unless by vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund to any other fund. The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license taxes in the city; provided, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the Bond Funds, Interest Funds, or Bond Redemption Funds of the city."

Additional funds

Amend Section 1 of Chapter I, of Article III, of said Charter, to read as follows:

"Section 1. The Mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the city at each general election and his term of office shall be two years. The Mayor shall also be ex-officio President of the Common Council and as such President shall have a voice but not a vote in its proceedings. The powers and duties of the Mayor as President of the Common Council shall not be construed in any manner to conflict with or limit his powers in the capacity of Mayor "

Mayor.

Amend Section 5 of Chapter I of Article II of said Charter, to read as follows:

"Section 5. Said Common Council shall

1 Choose a Vice President annually from its own members, who may be removed by affirmative vote of not less than two-thirds of the members of said Common Council. In the absence of the President at any meeting or meetings of said Common Council, the Vice President shall preside and discharge the duties and exercise the powers of the President and shall retain his right to vote

Duties of common council

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence, and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before said Common Council or any of its Committees."

Amend Section 19 of Chapter I of Article II of said Charter, to read as follows:

Auditing  
committee.

"Section 19. The Auditing Committee shall consist of the Mayor, Vice President of the Common Council, City Attorney and Auditor."

Amend Section 20 of Chapter I of Article II of said Charter, to read as follows:

Mayor pro  
tempore.

"Section 20. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice President of the Common Council shall act as Mayor pro tempore."

Amend Section 9 of Chapter I of Article III of said Charter to read as follows:

Vacancy in  
office of  
mayor.

"Section 9. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice President of the Common Council shall act as Mayor pro tempore.

When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by a majority vote of the Common Council, and any person possessing the necessary qualifications may be chosen Mayor. A member of the Common Council, during the term for which he shall be elected or appointed, shall be eligible to fill such vacancy."

The operation of this amendment shall be suspended until the third day of May, 1915.

Add Section 11 to Chapter I of Article III of said Charter, as follows:

Chief of  
police.

"Section 11. The Mayor shall appoint the Chief of Police, which appointment shall become effective only upon the confirmation of the Common Council. The removal of the Chief of Police shall be by the Mayor, if confirmed by a majority of the Common Council, or by the Common Council alone by a two-thirds vote."

Amend Section 2 of Chapter I of Article II of said Charter, to read as follows:

Common  
council.

"Section 2. (a) The Common Council shall consist of five members, to be nominated and elected at large by the electors of the City of San Diego, and shall hold office for four years, except, that at the organization of the first Common Council elected after the adoption of this provision, the members thereof shall, by lot, determine that two of its members shall hold office for a term of two years.

Compensa-  
tion

(b) The members of the Common Council shall receive as compensation the sum of two thousand dollars per annum, for each councilman, payable in equal monthly installments

(c) Each member of the Common Council must have been both an elector and an actual resident of the city at least two years next preceding his election, and shall give bond in the sum of \$5,000.00 Qualifications

(d) The Common Council shall have, possess and exercise all the legislative, executive and judicial powers and functions held, possessed and exercised by the Common Council at the time this amendment is proposed by the said Common Council, except such executive functions as were then distributed into and among the following Departments:— Powers of council

- (1) Department of Finance, Ways and Means. Departments
- (2) Department of Police, Health and Morals.
- (3) Department of Public Streets and Buildings.
- (4) Department of Fire and Sewers.
- (5) Department of Water, and excepting also the administrative functions pertaining to the harbor.

(e) All executive and administrative powers relating or pertaining to the harbor, public streets, public buildings, sewer system, water system, and office of the City Engineer shall be vested in a department to be known as the Operating Department. The executive head of such department shall be known as the Manager of Operation. Said Manager shall be subject to recall in the same method as provided in this charter for the recall of elective officials. Distribution of powers

(f) The administrative functions now performed by the Police Department shall be vested in a department to be known as the Police Department. The executive head of such Department shall be known as the Superintendent or Chief of Police.

(g) The administrative functions of the Fire Department shall be vested in a department to be known as the Fire Department. The executive head of such department shall be known as the Superintendent or Chief Engineer of the Fire Department.

(h) All other executive and administrative powers now exercised by the Common Council shall by majority vote of the Common Council be assigned to these departments, or to such other executive department as the Council may hereafter create. The executive head of any such additional department shall be known as the Superintendent of such department.

(i) The Common Council shall appoint the Manager of Operation and the Superintendents of the other departments; define the powers and duties of the Manager of Operation and superintendents and fix their respective salaries and the salaries of their assistants. The Common Council may also remove such Manager of Operation and superintendents, alter their powers or duties (except such as are prescribed in this Charter), or change their salaries. Such appointments and removals shall be confirmed by the Mayor, except that such confirmation shall not be necessary when the appointment or removal has been made upon a vote of four-fifths of the members of the Common Council. The Mayor shall have power

Distribution  
of powers.

to make temporary appointments of such Manager of Operation or Superintendents, pending the failure of the Council for a period of ten days to make such appointments.

(j) Such Manager of Operation and superintendents shall be the executive heads of their respective departments, and shall appoint and remove their assistants and employees subject to such civil service regulations as this Charter may provide, except that provisions now contained in the Peoples' Ordinance No. 4979 and entitled, 'An Ordinance reorganizing the San Diego Fire Department and providing for a Fireman's Relief and Pension Fund,' shall continue in full force and effect. The appointment of members of the Fire Department and of the Police Department shall be confirmed by the Common Council.

(k) The Common Council shall within five days after this amendment goes into effect create the administrative departments as herein provided and shall thereafter, as soon as practicable, appoint the Manager of Operation and superintendent of each department.

(l) The Common Council shall appoint by majority vote a City Attorney and City Clerk."

The operation of this amendment shall be suspended until the third day of May, 1915

Add Article XI to said Charter, as follows:

## "ARTICLE XI.

### CIVIL SERVICE.

Civil service  
commission.

Section 1. The Mayor, with the approval of the Common Council, shall appoint three electors of the city as members of the Civil Service Commission, one to serve for two years, one for four years, and one for six years. The first commission hereunder shall be appointed and take office on the third day of May, 1915. Thereafter members of the Civil Service Commission shall be appointed to serve for six years and until their successors have been appointed and have qualified. The commission shall elect one of its members president. Any vacancy shall be filled by the Mayor with the approval of the Common Council for the unexpired term. No member of the Commission shall hold any other municipal office. The Mayor, with the approval of four-fifths of the Common Council, or the Common Council by unanimous vote, may remove a member of the Commission during his term of office, but only by stating in writing the reasons for such removal, and allowing him an opportunity to be publicly heard in his own defense. Members of the Commission shall be subject to recall in like manner as provided herein for the recall of elective officers.

Chief  
examiner.

Section 2. The Common Council shall appoint and fix the compensation of a chief examiner, who shall also act as secretary. The Commission may appoint and fix the compensation of such other subordinates as may be necessary.

Fund

Section 3. For the support of the work of the Commission the Common Council shall appropriate annually not less than

Forty-five Hundred Dollars, which fund shall be placed in the City Treasury and be available for no other purpose. Any part of said fund not expended during any fiscal year, or required to defray expenses incurred during such year, shall be placed in the General Fund of the City.

Section 4. Civil service of the City is hereby divided into the unclassified and classified service.

The unclassified service shall comprise:

Unclassified  
service

All officers elected by the people.

All officers, members of appointive boards and commissions, and other persons serving the City without compensation.

The Secretary of the Civil Service Commission.

The Chief of Police.

The City Attorney and his deputies.

The City Clerk.

The City Engineer and Chief Assistant.

The Hydraulic Engineer.

The City Librarian.

The Chief Deputy of the City Treasurer.

The City Auditor and City Assessor.

The Chief Deputy of the City Auditor and the Chief Deputy of the City Assessor.

The Secretary of the Mayor.

The Manager or Superintendent of each administrative department, and one assistant of each such manager or superintendent.

Superintendents, principals and teachers in the school system.

The Classified service shall include all other positions now existing or hereafter created.

Classified  
service

Section 5. The Commission shall prescribe, amend and enforce rules for the Classified service, which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations, and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this Article and of the rules and efficiency of the service. It shall make an annual report to the Mayor in January for transmission to the Common Council. The Mayor may require a special report from said Commission at any time. The rules shall provide:

Duties of  
commission

For the classification of all positions in the classified service.

Provisions  
of rules

For open, competitive examinations to test the relative fitness of applicants for such positions.

For public advertisement of all examinations.

For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.

For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the Commission in regard to age, residence, sex, physical condition or who have been guilty of crime or of infamous or disgraceful conduct,

PROVISIONS  
of rules

or who have attempted any deception or fraud in connection with an examination.

For the appointment of one of the three persons standing highest on the appropriate list.

For non-competitive examinations for minor positions in the employment of the city when competition is found to be impracticable.

For temporary employment of persons on the eligible list until the list of the class covering the temporary employment is exhausted; and in cases of emergency for temporary employment without examination, with the consent of the Commission, after the eligible list has been exhausted. But no such temporary employment shall continue longer than sixty days, nor shall successive temporary appointments be allowed. Nor shall the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible list be a bar to appointment to a permanent position from said eligible list.

For transfer from one position to a similar position in the same class and grade and for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced.

For promotion based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion.

For suspensions for not longer than thirty days and for leaves of absence.

For the appointment of unskilled laborers and such skilled laborers as the Commission may determine in the order of priority of application after such tests of fitness as the Commission may prescribe.

For the adoption and amendment of rules only after public notice and hearing.

The Commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this Article.

Efficiency  
standard.

Section 6. The Commission shall ascertain and record comparative efficiency of employees of the Classified service, and shall have power after hearing to dismiss from the service those who fall below the standard of efficiency established.

Transfer of  
employee  
to different  
class.

Section 7. When a civil service employee, other than a member of the Police Department, who has served three years in his position, has become incapable through age, accident or other disability, of satisfactorily performing the duties of the positions covered by the class in which he has qualified, the Civil Service Commission may, in its discretion, authorize his transfer to another class, and upon the request of the appointing power therein, whose duties are within his capacity, and may, by a unanimous vote, order that he be preferred for

appointment to a designated position; but such position shall be one having a smaller compensation than the position from which he may be transferred, and the compensation shall not be increased subsequent to his appointment thereto.

Section 8 In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some designated person of recognized attainments, the Commission may, after public hearing, and by the affirmative vote of all three members of the Commission, suspend competition, but no such suspension shall be general in its application to such positions, and all such cases of suspension shall be reported, together with the reason therefor, in the annual reports of the Commission.

Suspension of competition in certain cases

Section 9. Any of the following persons may be exempted from the provisions of this Article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners after public hearing approved by the Council by resolution passed by the vote of two-thirds of all its members, to-wit:

Exemptions

- (a) The first and second deputies in any department, or either of such deputies where not exempt, as herein provided;
- (b) Unskilled laborers, including drivers;
- (c) Persons employed on the construction of public works, improvements or buildings;
- (d) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Section 10. When oral tests are used, a record of the examination, showing basis of rating, shall be made. Examinations shall be in charge of a chief examiner, except when members of the Commission act as examiners. The Commission may call on other persons to draw up, conduct or mark examinations, and when such persons are connected with the city service it shall be deemed to be a part of their official duties to act as examiners, without extra compensation

Examinations

Section 11 All persons in the city service, holding positions in the Classified service, as established by this Article, at the time it takes effect, whether holding by election or by appointment, and who shall have been in such service for the six months next preceding, shall hold their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this Article. The Commission shall maintain a civil list of all persons in the city service, showing in connection with each name the position held, the date and character of every appointment, and of every subsequent change in status. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of said civil list.

Persons holding positions when article takes effect

- Certificate of commission on payroll. Section 12. The Auditor shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the Classified service unless the payroll or account for such salary or compensation shall bear the certificate of the Commission, by its chairman and secretary, that the persons named therein have been appointed or employed, and are performing service in accordance with the provisions of this Article, and of the rules established thereunder.
- Investigations Section 13. In any investigation conducted by the Commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation, and each commissioner shall have power to administer oaths to such witness.
- No political connection Section 14. No officer or employee of the city, in the classified service, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party, or political purpose whatever. No person shall, orally, or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever, from any person holding a position in the Classified service.
- Section 15. No person holding a position in the classified service shall take any part in political management or affairs, or in political campaigns further than to cast his vote and to express privately his opinions.
- Violations, misdemeanor. Section 16. Any person wilfully violating any of the provisions of this Article, or of the rules established thereunder, shall be guilty of a misdemeanor.
- Right to discharge Section 17. The Commission shall have the right to discharge from the employment of the city, after public hearing, any person found guilty of a wilful violation of any of the foregoing provisions, or of the rules established thereunder. Such decision and action by the Commission shall be final.
- Removal of employees. Section 18. Any board, commission or officer having the power of appointment or removal of officers, members and employees in any department of the government of the city, shall have the power to remove, discharge or suspend any officer, member or employee of such department, as provided elsewhere in this charter, irrespective of the fact that such officer, member or employee may be included in the classified civil service list.
- Not applicable to fire department. Section 19. The provisions of the foregoing Article shall not apply to the Fire Department of the City of San Diego, or any of its employees."
- The operation of this amendment shall be suspended until the third day of May, 1915.
- Repealed. Repeal Chapter II of Article I of said Charter.
- Chapter II of Article I of the Charter of the City of San Diego, California, is hereby repealed.

Amend Section 5 of Chapter VII of Article V of said Charter, to read as follows:

“Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than eight cents nor more than twelve cents on each one hundred dollars valuation of property for the purpose of maintaining and improving said parks, plazas and squares.” Tax for parks, etc.

Amend Section 1 of Chapter II of Article II of said Charter, to read as follows:

“Section 1. Subject to the provisions, limitations, and restrictions in this Charter contained, the Common Council shall have power to pass ordinances: Ordinances

1. To make and enforce within the limits of said city all such local, police, sanitary and other laws and regulations as are not in conflict with the general laws or this Charter.

2. To regulate and control the use of the streets, sidewalks, highways, roads, and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards, or flags in or across the same, or from houses or other buildings, and for all other purposes.

4. To regulate the cleaning and sprinkling of the streets, sidewalks, and gutters, and prevent the depositing of ashes, offal, dirt, rubbish, or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires, for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and blocks and the naming of streets, public places and thoroughfares;

7. In relation to street beggars, vagrants and mendicants and the exhibition and distribution of advertisements or hand-bills along the streets or in public places.

8. In relation to intoxication, fighting, quarreling, and vulgar language in the streets and other places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair and removal of public fountains, for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions.

11. To restrain and prevent any riot, mob, noise, disturbance or disorderly assembly or amusement, dangerous to persons or property in any street, house or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion

Ordinances of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks, and public places, buildings and offices; and for inclosing, improving and regulating public grounds.

14. To establish fire districts and to determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

15. To prohibit, suppress, regulate, or exclude from the city or certain limits thereof all houses of ill fame, prostitution, and gaming; to prohibit, suppress or exclude from the city, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions and practices which are against good morals and contrary to public order and decency, or dangerous to public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage, and use of fire arms, firecrackers, fireworks, petroleum, and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works, and occupations of every description that may affect the public safety, health or comfort, and to exclude them from certain limits.

17. To protect the health, comfort and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits hospitals, institutions, and places for the treatment of disease; or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

18. To authorize the establishment and maintenance of crematories, to regulate the same, and to exclude them from certain limits.

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth, or ballast; to prescribe the width of the tires of all vehicles and the weight to

be carried by said vehicles; and to regulate drivers, carriers, <sup>Ordinances.</sup> runners and solicitors.

21. To regulate the construction, repair, care, and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair and use of vaults, cisterns, arcaes, hydrants, pumps and sewers

23. To provide a public pound, and poundkeeper with necessary assistants and to fix the salary for the poundkeeper or necessary assistants; to prescribe fines for the redemption of animals duly impounded and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding and killing them when found running at large; to provide that all sums collected for dog licenses as well as all fines collected for the violation of humane laws affecting animals and all sums paid into the city treasury for the redemption of impounded animals shall be set aside as a special fund to be used in supporting and maintaining the public pound.

24. To provide suitable buildings, rooms, or accommodations for all courts, departments, boards, and officers, together with all necessary attendants, furniture, fuel, lights, and stationery for the convenient transaction of business

25. To provide and maintain a morgue

26. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offense are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said city of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in the chain gang or elsewhere, as the Common Council may deem expedient; to establish, maintain, and regulate and change, discontinue and re-establish city jails, prisons, and houses of correction, and other places of detention, punishment, confinement and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use

29. To adopt, enter into, and carry out means for securing a supply of water for the use of the city, or its inhabitants or for irrigating purposes therein, and along the line of its water supply.

30. To regulate the quality, capacity, and location of water and gas mains and fire plugs, and provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, and pumps and such other appliances as may be used in the distribution of water or gas in the streets, public places, and public buildings

31. To fix and determine the rate or compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and to fix and determine the maximum rate or compensation to be charged by any person, company or corporation for gas, electric, or other illuminating power in said city.

## Ordinances.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company, or corporation in this city for the use of water.

33. To regulate and impose a license tax upon public amusements, shows, and exhibitions, pawn brokers, and railroad passenger cars; upon the manufacture, sale, transportation, or storage of any combustibles or explosives; upon astrologers, and fortune tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business, and places not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

35. To provide for the collection of licenses and municipal revenue, and fix the amount thereof, and to license for regulation or revenue hawkers, peddlers, pawnbrokers, auctioneers, and also lunch, refreshment, coffee or tamale counters, stands, booths, sheds, or wagons when erected, located, placed, conducted, or doing business on any sidewalk, street, or alley in said city; also to license for regulation or revenue any other business or occupation conducted or carried on in the said city of San Diego.

36. To prescribe fines, forfeitures, and penalties for the breach of any ordinance and for a violation of any provision of this Charter, but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

37. To provide for the security, custody, and administration of all property of said city.

38. To make rules and regulations for the government of all servants, employees, officers, and departments, and to fix the fees and charges for all official services, and to fix salaries and wages not otherwise provided by general laws or by this Charter.

39. To allow and order paid out of the various funds provided by this Charter the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the city, and to declare such surveys official, and to compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said city.

43. To provide a common seal for said city, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, boards, and officers of said city, and for the police court, and for altering and changing the same. Ordinances

44. To open, close, straighten, or widen any street, road or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this Charter provided, and in like manner to establish and change the grade of any street, road or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place, or other public property.

45. To allow any railroad company or corporation to enter said city, and make its way to the water front at the most convenient point for public convenience; but no exclusive right, franchise, or privilege shall be granted to such railroad company; and the use of all such rights, privileges, and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege, or franchise, shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track, and also between the tracks, and for at least two feet on each side of the same, including switches, turnouts, and sidetracks, and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege, or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council may determine.

46. To make appropriations allowed by law or this Charter; provided that appropriation of moneys out of public funds shall be made only by ordinance.

47. To provide for the execution of all trusts confided to said city.

48. (a) That all pueblo lands owned by the City of San Diego lying and being situated north of the north line of the San Diego river be, and the same are hereby reserved from sale until the year 1930, provided, however, that at any time should it be desired to sell any part or portion of such pueblo lands prior to the year 1930, the sale thereof may be authorized by an ordinance duly passed by the Common Council and ratified by the electors of the City of San Diego at any special or general municipal election; and provided further, that if at any time it should be desired to lease any part or portion of such public lands prior to the year 1930, the leasing thereof may be authorized by an ordinance duly passed by the Common Council, provided that no lease so authorized shall be for a longer period of time than fifteen years. The Common Council shall levy annually, in addition to all other taxes provided for

Ordinances in this Charter. two cents on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein reserved from sale.

(b) The Common Council may provide for the sale and conveyance or lease of all other lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three (3) weeks. No lease shall be made for a longer term than two years except by ordinance passed by an affirmative vote of two-thirds of the members of the Common Council.

49. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said city.

50. To provide for the purchase of property levied on under execution in favor of said city; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

51. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great or unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two-thirds of the members of said Common Council, and be approved by the Mayor. Before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within forty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said city, voting at an election held for that purpose.

52. The Common Council shall have charge, superintendence, and control of all public work of every kind, where not otherwise provided for in this charter, to be done for the City, or for any board or department thereof, and also of the furnishing of all labor, work, materials and supplies for said City. This charge, superintendence and control of public work shall be subject, however, to such ordinances as the Common Council may from time to time adopt."

Amend Sections 1 and 2 of Chapter III of Article IX of said Charter, to read as follows:

Board of  
health.

"Section 1. There shall be established by ordinance a Board of five persons, three at least of whom shall be practising physicians, and graduates of some reputable school of medicine. The members of this Board shall serve without pay, and their term of office shall be four years, except that at the organization of the first Board of Health appointed after the adoption of this provision, the members thereof shall, by lot, determine that two of its members shall hold office for a term of two years."

Amend Section 8 of Chapter 7½ of Article III of said Charter, to read as follows:

“Section 8. The Council shall for the acquisition, development and maintenance of children’s playgrounds, appropriate annually, not less than two cents, nor more than five cents, on each one hundred dollars of assessed valuation, as a special tax independent of the general tax levied, and the amount so appropriated shall be credited to the Playground Fund.”

Now, THEREFORE, be it

*Resolved by the legislature of the State of California, being the senate and assembly of said state* (a majority of all the members elected to each house voting for and concurring therein). That said amendments to the said charter of the said city of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of, the charter of said city of San Diego

CHAPTER 26.

*Assembly Joint Resolution No. 11, relative to requesting the congress of the United States to investigate the causes of unemployment and to adopt remedial measures therefor.*

[Filed with Secretary of State April 16, 1915.]

WHEREAS, Unemployment is an ever-growing problem of national magnitude and the several states can not, separately and alone, adequately solve the questions incident to the unequal distribution of labor; and

WHEREAS, The weather conditions of the State of California are such as to induce many people from all parts of America to come here during the winter months; and

WHEREAS, Many of those who come are in search of employment and erroneously believe it is easy to secure work, thereby making the California employment problem particularly acute; now, therefore, be it

*Resolved*, That the senate and assembly of the State of California hereby jointly request the congress of the United States to investigate the causes of unemployment and adopt such remedial measures as may be necessary and proper; and be it further

*Resolved*, That copies of this resolution be forthwith transmitted by the clerk of the assembly to the president of the senate and to the speaker of the house of representatives of the United States and to each of our senators and representatives in congress.

## CHAPTER 27.

*Assembly Concurrent Resolution No. 16, providing for the appointment of a committee to devise an improved method of handling bills after introduction.*

[Filed with Secretary of State April 10, 1915.]

Committee  
to devise  
improved  
method of  
handling  
bills

*Resolved by the assembly of the State of California, the senate concurring, That a committee consisting of three members of the senate and three members of the assembly be appointed for the purpose of devising a suitable method by which bills may be more expeditiously handled after introduction, particularly by providing some acceptable method by which bills proposing amendments to existing laws shall show on their face the matter proposed to be eliminated and the matter proposed to be added, so that members may be saved the time and labor necessary in making comparisons with the existing laws. The president of the senate shall appoint the senate members of the committee and the speaker of the assembly shall appoint the assembly members of said committee. It shall be the duty of the said committee to embody their findings and recommendations in a bill which shall be introduced in the legislature as soon as possible in the present session.*

## CHAPTER 28.

*Assembly Concurrent Resolution No. 20, relative to "Liberty Bell."*

[Filed with Secretary of State April 16, 1915.]

WHEREAS, The Panama-Pacific International Exposition celebrates the successful completion by the United States of the Panama canal, one of the greatest achievements of science the world has ever witnessed; and

"Liberty  
Bell"

WHEREAS, The "Liberty Bell," the historic relic that first announced to the world the establishment by these United States of the freedom of our citizens, is cherished by our entire nation; and

WHEREAS, It would seem most appropriate that the people of the world, while celebrating the one great event, should be impressed by the significance, and reminded of our national history by the presence at such exposition of the "Liberty Bell"; and

WHEREAS, Respect of our country, its history and government, and admiration for the founders of our nation, was fostered and stimulated by the patriotic courtesy of the authorities of Philadelphia in exhibiting the "Liberty Bell" at the world's expositions held in Chicago and St. Louis; and

WHEREAS, The building at the Panama-Pacific International Exposition representing the participation therein of the

commonwealth of Pennsylvania has been specifically designed and constructed to exhibit, protect and safeguard this national treasure; now, therefore, be it

*Resolved by the assembly, the senate concurring,* That we most earnestly request and urge the honorable mayor and the councils of Philadelphia to consent and provide that the "Liberty Bell" be exhibited at the Panama-Pacific International Exposition, and that we assure them that if they so consent, we pledge ourselves that every means will be exercised to preserve the safety of the bell that they and we and all the people of these United States so deeply revere.

Exhibition  
at P. P. I. E.  
requested

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CHAPTER 29.

*Assembly Concurrent Resolution No. 24, relative to drafting resolutions in memory of the late Honorable Frank M. Rutherford.*

[Filed with Secretary of State April 17, 1915.]

WHEREAS, In the disposition of an all-wise Providence, a sad duty has this day fallen to our lot, arising from the death of our esteemed colleague and associate, Honorable Frank M. Rutherford; therefore, be it

*Resolved by the assembly, the senate concurring,* That the speaker of the assembly appoint five members of this body, and the president of the senate appoint five members of the senate, to act as a joint committee to draft suitable resolutions in memory of our late honored and esteemed colleague, Honorable Frank M. Rutherford.

Resolutions  
in memory of  
Frank M.  
Rutherford.

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CHAPTER 30.

*Assembly Concurrent Resolution No. 25, relative to the appointment of a committee to take charge of all arrangements for the funeral services of the late Honorable Frank M. Rutherford.*

[Filed with Secretary of State April 17, 1915.]

*Resolved by the assembly, the senate concurring,* That a committee of eight, consisting of five members of the assembly and three members of the senate, to be named by the speaker and the president of the senate respectively, be appointed, and together with the chief clerk of the assembly and the secretary of the senate, to take charge of all arrangements for the funeral services of the late Honorable Frank M. Rutherford.

Funeral  
arrangements  
for  
Frank M.  
Rutherford

## CHAPTER 31.

*Senate Joint Resolution No. 7, relative to memorializing the congress of the United States to initiate proceedings therein for the submission to the several states of an amendment to the constitution of the United States giving congress power to enact a uniform divorce law.*

[Filed with Secretary of State May 3, 1915.]

Uniform  
divorce law

WHEREAS, The diversity in the laws of the various states of this union relating to divorce has been the cause of abuses which have done much to weaken the confidence of the people in the administration of justice; and

WHEREAS, The American Bar Association and the leading members of the legal profession in various states, and prominent jurists and publicists have, after extensive investigation of conditions, repeatedly urged the pressing necessity for uniformity in divorce legislation; and

WHEREAS, There appears to be no effective way in which such uniformity can be secured other than by action by the congress of the United States; and

WHEREAS, Under the constitution of the United States as it now exists congress has no power to establish uniform laws on the subject of divorce; now, therefore, be it

*Resolved by the senate and assembly of the State of California, jointly,* That the legislature of the State of California memorialize the congress of the United States to initiate proceedings therein for the submission to the several states of an amendment to the constitution of the United States giving congress power to establish uniform laws on the subject of divorce throughout the United States; and be it further

*Resolved,* That the governor of the State of California be and he is hereby requested to transmit duly authenticated copies of this memorial to the president of the United States, to the president of the United States senate, to the speaker of the house of representatives, and to each member in the senate and house of representatives from the State of California.

## CHAPTER 32.

*Assembly Joint Resolution No. 5, relative to the establishment of life saving stations on the Pacific coast.*

[Filed with Secretary of State May 3, 1915.]

WHEREAS, The "Treasury Annual Reports 1913 Life Saving Stations" shows on page 16 the marine losses on the coast of the United States to have been for the year on the Great Lakes, \$208,340; the Atlantic and Gulf, \$701,205; the Pacific coast, \$853,545; and

WHEREAS, The life saving stations of the United States are divided into thirteen districts with stations as follows: Great Lakes, 3 districts, 61 stations; Atlantic and Gulf, 9 districts, 218 stations; Pacific coast, 1 district, 19 stations; and

Life saving stations on Pacific coast

WHEREAS, The Atlantic coast is some eighteen hundred miles in length and the Pacific coast is some six thousand miles in length; and

WHEREAS, A great increase in the shipping doing business on the Pacific coast is certain to occur through the completion of the Panama canal; and

WHEREAS, There is no life saving station on the Pacific coast south of San Francisco, except the volunteer life saving station at Venice, to protect life and property at sea; and

WHEREAS, The rocky coast and numerous rocky islands with frequent fogs and shifting ocean currents from Point Conception to San Clemente Island are especially needing a life saving station equipped with a power launch; therefore, be it

*Resolved by the senate and assembly of the State of California,* That the attention of the congress of the United States is earnestly called to the need of an increase in the Pacific coast life saving service; be it further

Increase urged

*Resolved,* That we respectfully urge on the congress of the United States the immediate enactment of such laws, and an appropriation from the treasury of the United States of such sums as may seem advisable to congress, for the establishment and maintenance of adequate life saving stations on the Pacific coast; and we further urge upon the congress of the United States an appropriation of an adequate sum to establish a life saving station at Venice on Santa Monica bay; be it further

*Resolved,* That each senator and each representative in congress from the State of California be, and he is hereby requested to use all honorable means to secure the enactment of such legislation; and be it further

*Resolved,* That a copy of this resolution be forthwith transmitted by the chief clerk of the assembly to the president of the senate of the United States and to the speaker of the house of representatives of the United States, and a copy hereof to each member of congress from the State of California.

### CHAPTER 33.

*Assembly Constitutional Amendment No. 15, a resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section one and one-half of article thirteen thereof, relating to the exemption of churches from taxation.*

[Filed with Secretary of State May 3, 1915.]

The legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses

Constitutional amendment.

of said legislature voting in favor thereof, hereby proposes that section one and one-half, article thirteen of the constitution of the State of California be amended to read as follows:

Churches  
exempt from  
taxation.

Sec. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, and for social purposes for the benefit of the organized religious body using said property for such purposes, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

Exemptions.

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#### CHAPTER 34.

*Senate Constitutional Amendment No. 11, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article six thereof a new section to be numbered ten and one-half, relative to the length of time a person appointed to fill a vacancy in the office of justice of the supreme court, justice of the district court of appeal or judge of a superior court, shall hold office.*

[Filed with Secretary of State May 6, 1915.]

Constitutional  
amendment.

The legislature of the State of California, at its regular session commencing on the fourth day of January, 1915, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding to article VI thereof a new section, to be numbered ten and one-half, to read as follows:

Term of  
office of  
judge, etc.,  
appointed  
to fill  
unexpired  
term.

Sec. 10½. Whenever the governor of the state appoints any person to fill a vacancy in the office of justice of the supreme court, justice of the district court of appeal, or judge of the superior court, and the term of office of the justice or judge, whose place is so filled by appointment, is fixed by law to expire on the first Monday in January after the next succeeding general election, then the person so appointed shall hold office for the remainder of the unexpired term for which such justice or judge was elected or appointed.

CHAPTER 35.

*Senate Joint Resolution No. 12, relative to the protection of second-growth timber on watersheds.*

[Filed with Secretary of State May 6, 1915]

WHEREAS, The presence of standing timber or brush on watersheds is essential as the only natural means of water conservation; and

Protection of second-growth timber on watersheds

WHEREAS, The conservation of the public water supply is of vital importance to the citizens of the State of California, owing to the long periods in which the rainfall is inadequate to meet public needs, and the fact that great depredation is caused by erosion when the flow of streams draining said watersheds is unrestrained; and

WHEREAS, Vast timber or forest growths located upon many of the forest reservations and public lands of the United States have been seriously depleted by the removal of trees therefrom for commercial purposes, thus making the preservation of the second-growth timber essential to the present and future natural water conservation on said watersheds; and

WHEREAS, The process invariably followed in deforesting timber lands of the first-growth trees results in unused stumps, logs and branches commonly known as "slashings" being left to dry and decay upon the ground among or near to the uncut young trees and brush, thereby greatly increasing the fire menace to which said trees and brush are subjected; and

WHEREAS, The conservation of water on many other watersheds depends entirely on the brush fields located thereon, which are in their nature highly inflammable and subject to an increased fire hazard due to the proximity of such deforested areas upon federal reservations and public lands; now, therefore, be it

*Resolved by the senate and assembly of the State of California, jointly,* That we respectfully urge the president of the United States to incorporate in a special message to congress at the special session about to convene, the recommendation that congress take such measures as may be necessary to require the agents of the federal government whose duty it is to protect the forest reservations and public lands of the United States, to remove from government reservations and public lands such slashings and other inflammable material as may endanger the timber and brush growth on watersheds.

## CHAPTER 36.

*Senate Joint Resolution No. 11, relative to the dredging and improvement of the Mokelumne river.*

[Filed with Secretary of State May 7, 1915.]

Improvement  
of  
Mokelumne  
river.

WHEREAS, The Mokelumne river was until recent years a navigable river and would be navigable but for the failure to carry on the work of dredging and improvement done by the government of the United States; and

WHEREAS, The said Mokelumne river can be easily rendered navigable as far as the town of Woodbridge by dredging; and

WHEREAS, The enterprise is fully justified by the commercial importance of the community affected; now, therefore, be it

State to pay  
half of  
expense.

*Resolved*, That when the government of the United States is ready to enter upon the work of improvement of said river so as to render it navigable to the town of Woodbridge, the State of California stands ready to defray one-half of the expense of such improvement.

## CHAPTER 37.

*Senate Joint Resolution No. 13, relative to co-operative agricultural extension work between the United States department of agriculture and the University of California.*

[Filed with Secretary of State May 7, 1915.]

WHEREAS, The congress of the United States has passed an act approved by the president, May 8, 1914, entitled "An act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture"; and

WHEREAS, It is provided in section three of the act aforesaid, that the grants of money authorized by this act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this act"; therefore, be it

Assent of  
legislature to  
agricultural  
extension  
act.

*Resolved by the senate of the State of California and the assembly, jointly*, That the assent of the legislature of the State of California be and it is hereby given to the provisions and requirements of said act, and that the regents of the University of California be and they are hereby authorized and empowered to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work which shall be carried on in connection with the college of agriculture of the University of California, in accordance with the terms and conditions expressed in the act of congress aforesaid.

CHAPTER 38.

*Senate Concurrent Resolution No. 13, relative to a measure pending in congress known as House Joint Resolution 344, sixty-third congress, second session, providing for the appointment of a national marketing commission, and memorializing congress to adopt the resolution so that it may immediately go into effect.*

[Filed with Secretary of State May 7, 1915.]

WHEREAS, Representative Goodwin, of Arkansas, introduced on September 10, 1914, House Joint Resolution 344, which was referred to the committee on agriculture and ordered to be printed; and

House Joint Resolution 344.

WHEREAS, House Joint Resolution 344 expresses the sentiment of a majority of the state legislature of the State of California, said resolution in full being as follows:

“WHEREAS, It is patent that there are defects in the economic system of the United States which affect adversely the producers and the consumers of agricultural products; and

“WHEREAS, These defects have been accentuated by the European war, and to a degree justifying the recent utterances of the president of the United States in the matter of the high cost of living; and

“WHEREAS, Various attempts have been made from time to time to overcome these defects, mainly through nongovernmental agencies, and recently under governmental agency under the bureau of marketing of the department of agriculture; and

“WHEREAS, Experience has, however, proven that the solution of this question is not to be found in nongovernmental agencies, nor is it to be found in a governmental agency. It is to be found in a semiofficial governmental agency, as is here proposed, as witness the success in the European countries of such a system, a system which has swept aside the trusts in food products and which renders the trust an impossibility; and

“WHEREAS, The present abnormally high prices for food products not alone offers an opportune time for the establishment of a semiofficial governmental agency as a means for the temporary solution of this problem, but also for the organization of the agricultural forces of the United States on the lines indicated as a means for the permanent solution of this problem; now, therefore, be it

“Resolved by the senate and house of representatives of the United States of America in congress assembled, That the president be authorized and requested to appoint a national marketing commission to be composed of twenty-nine members, fifteen of whom shall be farmers and fourteen of whom shall be selected with reference to their eminence in commerce, law, finance, and transportation.

National marketing commission favored.

“Sec. 2. That such national marketing commission shall meet in the city of Washington at a time designated by the

president and organize by the election of officers, and adopt a plan of action for the effective organization of the states, counties, and localities of the United States for the economic distribution of the products of the farm, with power to act in so far only as affecting individuals and organizations that shall elect to become a part of this national marketing system"; and

WHEREAS, It is generally recognized that there is imperative need of a more scientific system of marketing the farm products of the United States; and

WHEREAS, The above resolution, if carried out, will undoubtedly lead to an improvement in our marketing conditions; be it therefore

*Resolved, that the senate of the State of California, the assembly concurring, Respectfully requests and urges the congress of the United States to adopt House Joint Resolution 344; and be it further*

*Resolved, That copies of this resolution be sent to the California senators and representatives, and to the president of the United States, who are hereby requested by this resolution to work in the interest of the passage of House Joint Resolution 344.*

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#### CHAPTER 39.

*Assembly Joint Resolution No. 9, relative to the maintenance of a siren by the United States lighthouse service of Alcatraz island and asking for its discontinuance and the substitution of some noiseless but equally effective arrangement.*

[Filed with Secretary of State May 7, 1915.]

Removal of  
Alcatraz  
island siren.

WHEREAS, The United States lighthouse service maintains a siren on Alcatraz island, which, when in use, disturbs the peace and quietness of the northern residential section of San Francisco and the residents of Sausalito, Belvedere and Tiburon, Marin county; and

WHEREAS, There is now in use by said United States lighthouse service, in other places, and on other points, a system of powerful lights, bells and whistles that answer the same purpose as the sirens and will not disturb the peace and quiet of the residents in the vicinity thereof; therefore, be it

*Resolved, That the United States authorities be and they are hereby requested to provide for the removal of said siren and to substitute in lieu thereof bells, whistles, lights, or some other system of signals less objectionable than the present siren; and be it further*

*Resolved, That a copy of this resolution be forwarded to the proper department at Washington, D. C., and a copy of the same be forwarded to each of our senators and representatives in congress.*

CHAPTER 40.

*Assembly Joint Resolution No. 24, authorizing and requesting the governor to appoint a commission to co-operate with the federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the straits of Carquinez, the San Joaquin and Sacramento rivers; and the reclamation of adjacent overflowed lands; for irrigation; and the conservation of water.*

[Filed with Secretary of State May 7, 1915.]

*Resolved by the senate and assembly of the State of California, jointly,* That the governor of the state be, and he is hereby, requested and authorized to appoint a commission of three or more persons to act in conjunction with any similar commission or committee that may be appointed by the president of the United States, or by congress, or by either branch thereof, or by any federal official for the purpose of framing a law and devising a plan for the improvement of the navigation of the straits of Carquinez, the San Joaquin and Sacramento rivers, the reclamation of swamp and overflowed lands in the San Joaquin valley, the irrigation of arid lands therein, and the conservation of water, with a view of segregating the expense among the federal government, the State of California, and the landowners, and whereby such work may be concentrated under one management.

Commission to devise plan for improving Carquinez straits, etc

*Resolved,* That upon the passage of this resolution the clerk of the assembly be directed to forward a copy thereof to the president of the United States, and to our senators and representatives in congress, asking them to provide for the appointment of a similar commission to act with the committee to be appointed under this resolution by the governor.

CHAPTER 41.

*Assembly Constitutional Amendment No. 31, a resolution to propose to the people of the State of California an amendment to section seven and one-half of article eleven of the constitution of the State of California, relating to charters of counties and amendments to such charters and to the surrender thereof.*

[Filed with Secretary of State May 12, 1915.]

The legislature of the State of California at its forty-first regular session commencing on the fourth day of January, 1915, two-thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes to the people of the State of California that section seven and

Constitutional amendment

one-half of article eleven of the constitution of the state be amended so as to read as follows:

Counties  
may frame  
charters

Freeholders

Election.

Petition.

County clerk  
to examine  
petition.

Order for  
election.

Candidates  
for  
freeholders.

Sec. 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of this article of the constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at

general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in a weekly newspaper, of general circulation, printed, published and circulated in such county; *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. The board of supervisors shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more newspapers of general circulation, published in said county, a notice that such copies may be had upon application therefor. If there is no newspaper published within the county, then such notice shall be posted by the county clerk in three public places in said county and on or near the entrance to at least one public schoolhouse in each school district within the county. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede

Preparation  
of charter

Publication

Printed in  
pamphlet  
form.

Submitted  
to electors.

Deemed  
ratified

Approval by  
legislature

Filed

any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

Amendments

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed amendments shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed amendments shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. The board of supervisors shall cause copies of such proposed amendments to be printed in convenient pamphlet form, and shall until the date fixed for the election upon such proposed amendments, advertise in one or more newspapers of general circulation published in said county, a notice that such copies may be had upon application therefor. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and

effect Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Petition for amendment

Election

Alternative propositions

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public school-house in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

Special elections.

Publication of ordinance

General election laws applicable.

Matters  
which  
charters may  
provide for.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

Supervisors.

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

Sheriffs, etc

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools and other county officers to fill county offices which have been or shall hereafter be created by this constitution or by general law for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for their qualifications, and for the manner of their appointment; and

Justices of  
the peace,  
etc.

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, or for the fixing of the number of such justices of the peace, and constables, or judges and other officers of such inferior courts, by boards of supervisors for the election or appointment of said officers, for the times at which and terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for their qualifications and the manner of their appointment; and

Powers and  
duties of  
supervisors,  
etc.

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws, *provided, however*, that the powers and duties of the district attorney in civil matters, the powers and duties of the county clerk in matters of elections and the registration of voters, and the powers and duties of members of the board of supervisors as ex officio road commissioners, may be respectively segregated and assigned to new offices created for that purpose; *provided further, however*, that such charter may provide that boards of supervisors may delegate to an executive committee or executive board, composed of members selected from its own body, certain of

their administrative powers and duties, including the filling of appointments, and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

Assumption of municipal functions

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such charter or boards of the powers, duties, qualifications and compensation of such persons, the times at which and terms for which they shall be appointed, and the manner of their appointment and removal; and

Assistants in county offices

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

Compensation of fish and game wardens, etc

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows:

For boards and offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for their qualifications, and if appointed, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

Additional boards and offices

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for their qualifications, and if appointed, for the manner of such appointment, for the times at which and terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any

Formation of road districts.

Incurring  
indebtedness

such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Charter  
supersedes  
general laws

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of this article, shall, as to such county be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, already in office or elected at the time such charter is adopted by vote of the electors of such county as herein provided, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law,

Tenure of  
office not  
affected.

but such charter may provide for the termination of the tenure of office of all officers elected after the adoption of such charter by the electors of such county and prior to the approval of such charter by the legislature.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties. All provisions of any charter of any county heretofore adopted and amendments thereto, which are in accordance herewith, and all acts done in accordance with such charter provisions, are hereby confirmed and declared valid.

Charter  
may be  
surrendered

The provisions of this section shall not be applicable to any county that is consolidated with any city.

CHAPTER 42.

*Senate Constitutional Amendment No. 17, a resolution to propose to the people of the State of California an amendment to the constitution of the state by amending section thirty-one of article four thereof relating to the loan by the state of its credit to public or private corporations.*

[Filed with Secretary of State May 12, 1915.]

*Resolved by the senate, the assembly concurring,* That the legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred fifteen, two-thirds of all the members elected to each of the two houses of the state legislature voting in favor thereof, hereby proposes to the people of the State of California that section thirty-one of article IV of the constitution of the State of California be amended so as to read as follows:

Constitutional  
amendment

Sec. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making

Legislature  
shall not  
have power  
to lend  
credit of  
state

Case of  
irrigation  
districts  
acquiring  
international  
water  
system

Legislature  
may provide  
land  
colonization  
individual  
credits.

of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock or to become a stockholder in any corporation whatever; *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country. The legislature shall have power to provide for a system of land colonization and may authorize the establishment of an adequate system of rural credits in aid of the agriculture of the state, including provisions for the issuance of bonds secured by first mortgages on farm real estate. Bonds so issued shall be exempt from taxation and shall be accepted as security for the deposit of public moneys. The legislature may provide for participation by the state in such system of rural credits by establishing a trust fund and may authorize the trustees of such fund to issue bonds upon the collateral or other securities of such fund, and may guarantee, on behalf of the state, the principal and interest of such bonds, and may authorize said trustees to buy, sell and deal generally in rural credit bonds secured by first mortgages on farm real estate, and may pass all laws that may be necessary to give full force and effect to the provisions of this section, anything in this constitution to the contrary notwithstanding.

#### CHAPTER 43.

*Senate Constitutional Amendment No. 19, a resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending section sixteen and one-half of article XI thereof, relating to the deposit of moneys belonging to the state or to any county or municipality within the state in any bank or banks.*

[Filed with Secretary of State May 12, 1915.]

Constitutional  
amendment

*Resolved by the senate, the assembly concurring*, That the legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred and fifteen, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby propose to the qualified electors of the State of California that section sixteen and one-half of article XI of the constitution of said state be amended to read as follows:

Sec. 16½. All moneys belonging to the state or to any county or municipality within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the legislature and approved by the governor and subject to the referendum; *provided*, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized.

Deposit of public moneys in certain banks.

CHAPTER 44.

*Senate Constitutional Amendment No. 22, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section 1 of article IV thereof; relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the constitution and to enact the same at the polls independent of the legislature and also reserving to the people of the State of California the power to approve or reject at the polls any act or section or part of any act of the legislature.*

[Filed with Secretary of State May 12, 1915.]

The legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred fifteen, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that section 1 of article IV of the constitution of the State of California, be amended so as to read as follows:

Constitutional amendment

Section 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "the legislature of the State of California." but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the legislature.

Legislative power of state

The enacting clause of every law shall be "the people of the State of California do enact as follows:"

Enacting clause of laws

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in

Initiative.

full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election; *provided*, that no law creating a bonded indebtedness shall be enacted under this provision without the assent of two-thirds of the qualified electors voting thereon. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Presentation  
to  
legislature

Upon the presentation to the secretary of state at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a ye and nay vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

Referendum.

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed

only upon a yea and nay vote, upon a separate roll call thereon; *provided, however*, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature, be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Submitted to electors.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

In effect when

Not subject to veto by governor

Conflicting provisions

Failure to  
submit  
measures

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amend ment to the constitution, proposed by the legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Petitions  
may be  
presented in  
sections

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title, and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Filing of  
sections

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said

certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office.

Secretary of state's certificate

The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or counties having charters adopted under the provisions of section eight of article eleven of this constitution.

Initiative and referendum powers reserved to electors of counties and cities.

In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided.

This section is self-executing, but legislation may be enacted to facilitate its operation and to protect petitions provided for herein from fraud and misrepresentation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Section self-executing

## CHAPTER 45.

*Senate Constitutional Amendment No. 27, a resolution proposing to the people of the State of California, an amendment to the constitution of the State of California, by adding a new section to article XI thereof, to be designated as section twenty, of said article XI, of the constitution of the State of California, relating to the taking of property for public use and additional property in excess thereof, and for the payment therefor.*

[Filed with Secretary of State May 12, 1915]

Constitutional amendment

*Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred fifteen, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, that a new section be added to article XI of the constitution of the State of California, to be known and designated as section twenty of article XI of the constitution of the State of California, and to read as follows:*

Taking of excess property for public use.

Fee simple estate

Land taken for parks, etc

Sec. 20. The state, or any county, city and county, or incorporated city or town, taking or appropriating property within the limits thereof for public use for any proposed public improvement, may also take and appropriate, under the powers of eminent domain, additional adjoining or neighboring property within the limits thereof, in excess of that actually to be devoted to or occupied by the proposed improvement, and such additional property so taken shall be deemed to be taken for public use. The estate in such additional property so taken shall be a fee simple estate, and such additional property may be sold, leased or otherwise disposed of, in whole or in part, under such terms and restrictions as may be appropriate to preserve or further the improvement made or proposed to be made. For the purpose of acquiring, constructing, enlarging or improving a public park, playground, boulevard, street, building or grounds therefor, any county, city and county, incorporated city or town may condemn lands outside of its boundaries and within the distance of ten miles therefrom; *provided*, that no lands within any other county, city and county, incorporated city or town shall be taken without its consent, to be given in any manner that may be provided by law. The conditions under which such additional property may be taken or appropriated, the manner and method of providing payment therefor and the terms and restrictions under which such property may be sold, leased or otherwise disposed of, shall be prescribed by general law.

CHAPTER 46.

*Senate Constitutional Amendment No. 38, a resolution to propose to the people of the State of California an amendment to the constitution by amending sections one and nine of article thirteen and by repealing sections ten and fourteen of said article, all relating to revenue and taxation.*

[Filed with Secretary of State May 12, 1915.]

The legislature of the State of California, at its forty-first session, commencing on the fourth day of January, nineteen hundred and fifteen, two-thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the State of California the following amendments to the constitution of the State of California:

Constitutional amendment.

*First*—Section one of article thirteen of the constitution is hereby amended to read as follows:

Section 1. All taxes shall be levied and collected under general laws, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. The legislature shall define and classify the subjects of taxation, and prescribe the manner and methods of assessing, levying, equalizing and collecting taxes, for state, county, city and county, municipal and district revenues. In the exercise of this power the legislature may designate certain classes of subjects as taxable in whole or in part for state revenue; and certain classes as taxable in whole or in part for county, city and county, municipal and district revenue; and may provide that any tax shall be in lieu of any or all other taxes or licenses, or both. The legislature shall provide for the administration of such laws by a state tax commission, subject to the limitations contained in sections twelve and thirteen of article XI of this constitution.

Levying and collecting of taxes.

The following shall not be subjects of taxation: A mortgage, deed of trust, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the moneys represented by such debt; property used for free public libraries or free museums; growing crops; property used exclusively for public schools; property owned by the United States, this state, or any county, city and county, municipal corporation or district in this state; improvements of any character constructed by any county, city and county or municipality; other property specified in this constitution as exempt from taxation; *provided*, that land and improvements thereon located outside of the county, city and county or municipality owning the same that were subject to taxation at the time of its acquisition by such county, city and county or municipality, shall be a subject of taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not

Exemptions

exempt from taxation, shall be assessed within the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state tax commission, after such duties have ceased to be exercised by the state board of equalization.

The legislature may provide, except in the case of credits secured by mortgage or deed of trust, for a deduction from credits of debts due bona fide residents of this state.

Assessments  
heretofore  
made not  
affected

The adoption of this section shall not affect nor release any assessment or tax levy heretofore made nor the collection thereof, and all laws relating to the assessment, levy and collection of taxes in force at the time of adoption of this section shall remain in full force until changed by the legislature.

*Second*—Section nine of article XIII of said constitution is hereby amended to read as follows:

State board  
of  
equalization  
to continue  
until  
Jan., 1919

Sec. 9. The state board of equalization, as constituted at the time this amendment shall take effect, shall continue in existence, and the present members of said board shall continue in office, until the first Monday in January, nineteen hundred nineteen, at which time said terms of office shall expire and said board cease to exist. All powers and duties conferred upon said board either by law or by this constitution at or prior to the time of the adoption of this amendment shall continue until said first Monday in January, nineteen hundred nineteen, unless sooner changed by the legislature.

Repealed

*Third*—Section ten of article XIII of the constitution is hereby repealed.

*Fourth*—Section fourteen of article XIII of the constitution is hereby repealed; *provided, however,* that the repeal of this section shall not affect or release any assessment or tax levy heretofore made under authority of said section and all laws heretofore enacted by the legislature to carry said section into effect and in force at the time of the adoption of this repeal shall remain in full force until changed by the legislature.

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## CHAPTER 47.

*Senate Constitutional Amendment No. 2, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding to article six of said constitution a new section, to be numbered section six and one-half, relating to the term of office of judges of the superior court.*

[Filed with Secretary of State May 12, 1915]

Constitutional  
amendment

The legislature of the State of California at its regular session commencing on the fourth day of January, nineteen hundred fifteen, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California an amendment

to the constitution of said state by adding to article six thereof a new section, to be numbered six and one-half, to read as follows:

Sec. 6½. The term of office of judges of the superior court shall be twelve years from and after the first Monday of January next succeeding their election, except in the case of a judge elected to hold office for the remainder of an unexpired term. Nothing herein contained shall be construed to prevent the operation of any law providing for the recall or impeachment of judges or for any other method for the removal of judges from office.

Judges of superior court, term of office twelve years.

CHAPTER 48.

*Senate Concurrent Resolution No. 20, providing for the appointment of a joint committee of the senate and assembly to procure, if possible, the approval and adoption by congress of certain plans for river and harbor improvements and the co-operation of the federal government in the performance of the works therein provided for and specified, and making provision for the payment of the expenses to be incurred by such committee.*

[Filed with Secretary of State May 12, 1915]

WHEREAS, The State of California, by appropriate legislative and executive action, has heretofore approved the report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the 27th day of June, 1911, together with such modifications and amendments thereof as have heretofore been adopted or may hereafter be adopted by competent authority, as a plan for controlling the flood waters of the Sacramento and San Joaquin rivers and their tributaries for the improvement and preservation of navigation and the reclamation and protection of the lands that are susceptible to overflow from said rivers and their tributaries; and

Flood control of Sacramento and San Joaquin rivers

WHEREAS, The said plan, with the modifications and amendments thereof approved by the federal board of engineers for rivers and harbors and by the chief of engineers of the United States army, and transmitted by the latter to the committee on rivers and harbors of the house of representatives of the United States on July 17, 1913, contemplates the joint and equal expenditure of large sums of money by the State of California and by the United States for the erection of the structures and the performance of the work therein provided for and specified; and

WHEREAS, It is the belief, judgment and determination of this legislature that the wealth, productiveness, taxable property and income of the State of California and of the United States will be greatly augmented and increased by carrying

out said plan of flood control, and that the approval and adoption of said plan by congress and the co-operation of the United States in the erection of such structures and the performance of such work will be of enormous benefit to the State of California and to the nation at large; and

WHEREAS, The approval and co-operation of congress is necessary to the proper protection and improvement of the navigability of our coastwise harbors, and divers plans for the protection and improvement of the same are being delayed or suspended by reason of the lack of such approval and co-operation; now, therefore, be it

Adoption of  
plans for  
flood control  
urged.

*Resolved by the senate of the State of California, the assembly concurring.* That for the purpose of procuring the approval and adoption of said plan of flood control, with its modifications and amendments, and of said plans of harbor improvement by the congress of the United States and the co-operation of the United States in the erection of the structures and the performance of the work in said plans, and each of them, provided for and specified, there be and there is hereby created a joint committee of the senate and assembly, to consist of six members, who shall be appointed by the president of the senate and the speaker of the assembly, respectively, and whose duty it shall be to procure, if possible, the approval and adoption by congress of the said plan of the California debris commission and of said plans of harbor improvement, and the co-operation of the United States in carrying on the work therein provided for and specified. And for such purpose, the committee is hereby authorized and instructed and empowered to call to its assistance the members of the rivers and harbors committee of the house of representatives and the commerce committee of the senate of the United States, and, also, such executive officers of the state and federal governments as such joint committee may deem necessary and proper to advise and assist it in the performance of the foregoing duty. And such joint committee is hereby further authorized and empowered to defray all expenses necessary, proper and incidental to the performance of such duty out of the moneys heretofore or hereafter appropriated for the contingent expenses of the senate and assembly at this session of the legislature, payable one-half from the contingent fund of the senate and one-half from the contingent fund of the assembly, but not exceeding the sum of ten thousand dollars in all, which sum, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid, to be disbursed, from time to time, upon the written orders of the chairman of such joint committee. Not later than November 15, 1915, the committee shall submit a report of its proceedings to the governor, together with such recommendations as it may deem appropriate concerning the steps to be taken in behalf of the state at the next session of congress

CHAPTER 49.

*Senate Concurrent Resolution No. 21, approving a charter for the city of San Jose, ratified by the qualified voters of said city at a special municipal election held therein on the 19th day of April, 1915.*

[Filed with Secretary of State May 12, 1915 ]

WHEREAS, the City of San Jose, in the County of Santa Clara, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; San Jose charter.

AND WHEREAS, said City of San Jose at all times mentioned herein was, and now is, organized and existing under a freeholders' charter adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly adopted and ratified by a majority of the qualified electors of said City on the 23rd day of February, 1897, and approved by the Legislature of the State of California on the 5th day of March, 1897;

AND WHEREAS, proceedings have been had for the proposal, adoption and ratification of a new charter for said City of San Jose, as set out in the certificate of the Mayor and City Clerk of the City of San Jose, to wit:

CITY OF SAN JOSE, }  
 County of Santa Clara, } ss.  
 State of California. }

We, the undersigned, F. R. Husted, Mayor of the City of San Jose, State of California, and Roy E. Walter, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, in the County of Santa Clara, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of San Jose at all times mentioned herein was, and now is, organized and existing under a freeholders' charter adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said City on the 23rd day of February, 1897, and approved by the Legislature of the State of California on the 5th day of March, 1897.

That on the 23rd day of December, 1914, there was filed in the office of the City Clerk of said City, a petition praying that an election be called for choosing a Board of Fifteen Freeholders to frame, prepare and propose a new charter for the City of San Jose; that said petition was duly verified

**Boundaries.** the point of intersection of the said center line of the Guadalupe creek with a line drawn parallel with the center line of Second street through to a point in the center line of San Fernando street distant 231 61 feet southwesterly from the underground granite monument set at the intersection of the said center line of San Fernando street with the center line of Delmas avenue; thence southerly along the said line parallel with the center line of Second street to a point  $1\frac{1}{2}$  miles from the said point in the center line of San Fernando street, and thence at right angles northeasterly and parallel with San Fernando street to the point of beginning

Also that certain territory adjoining the above described territory and particularly described as follows, to wit:

Commencing at the intersection of the center line of the Coyote river with the center line of William street, thence easterly along the center line of William street to the center line of McLaughlin avenue; thence northerly along the center line of McLaughlin avenue to the center line of Lendrum avenue; thence easterly along the center line of Lendrum avenue to the center line of King road; thence northerly along the center line of King road to the center line of McKee road (Julian street); thence westerly along the center line of McKee road (Julian street) to the center line of the Coyote river, and thence southerly along the center line of said river, being the easterly line of the old city limits, to the point of commencement.

Also that certain territory adjoining the above described territory and particularly described as follows, to wit:

Beginning at a point in the northerly line of the city of San Jose distant one hundred (100) feet northeasterly from the intersection of the easterly line of the San Jose-Alviso road; running thence northwesterly and parallel with said San Jose-Alviso road to the intersection of the southerly line of land belonging to A. M. Besse; thence westerly along said southerly line of land of A. M. Besse, twenty-five (25) feet; thence in a northwesterly direction and parallel to said Alviso and San Jose road to the southerly line of the town of Alviso; thence westerly along the said southerly boundary of Alviso to its intersection with the Guadalupe river; thence southerly along the center line of the Guadalupe river to a point 200 feet northerly from and at right angles to a line bearing S, 88 deg., 52 min. from a point 572.56 feet S., 46 deg., 46 min. E. from a granite monument set in the center line of the San Jose and Milpitas road on the southerly line of the Milpitas and Alviso road; thence S., 88 deg., 52 min. W. to the intersection with the westerly line of the Alviso and Santa Clara road; thence northerly and along the westerly line of said Santa Clara road to the intersection with the southerly limits of the town of Alviso; thence in a general westerly direction along the said limits of the town of Alviso to its intersection with the northern boundary of Santa Clara county; thence southerly to a three-inch by four-inch white stake standing on

the high bank of Devil's slough; thence S., 55 deg., 25½ min. E., <sup>Boundaries.</sup> a distance of 17.972 feet to a three-inch by four-inch white stake standing at the quarter section corner between sections 8 and 17; thence running along the boundary line between said sections 8 and 17 a distance of 2640 feet to a four-inch by four-inch white post standing at the common corners of sections 8, 9, 16 and 17, T. 6 S., R. 1 W., M. D. B. and M.; thence N., 88 deg., 01 min. E., a distance of 3704 4 feet to a point in the center line of the present broad gauge track of the S. P. R. R. company's railroad; thence N., 88 deg., 52 min. E., a distance of 4560 feet, more or less, to the intersection of the westerly line of the San Jose-Alviso road. Said point being S, 88 deg., 52 min. W. from a point in the center line of Alviso and San Jose road, which is S., 46 deg., 49 min. E., a distance of 572.56 feet from a granite monument set in the center line of the San Jose and Milpitas road on the southerly line of the Milpitas and Alviso road; thence southeasterly along the westerly line of the San Jose-Alviso road to its intersection with the northerly line of the city of San Jose; thence easterly along the northerly line of the city of San Jose to the place of beginning

The jurisdiction of said city shall extend to and embrace all that parcel of land known as the City Reservation or Alum Rock park, and also that certain tract of land adjoining the same and known as Point Buena Vista, and all other lands now owned by the city of San Jose.

NEW TERRITORY.

(a) The boundaries above described may be altered, and the territory embraced therein may be added to or diminished <sup>New territory.</sup> in accordance with the laws of the state of California governing the annexation and exclusion of territory by municipalities.

POWERS.

2 The city shall have power:

(a) To acquire, purchase, receive and hold real and personal property within and without the city limits for any municipal purpose, and to sell, lease or dispose of the same, <sup>Powers</sup> provided that the rights of the city in its street, parks, water front and wharf property shall be inalienable, except as otherwise provided in this charter. All leases shall be made at public auction to the highest responsible bidder at the highest monthly rent after publication of notice thereof for at least one week in some daily newspaper of general circulation, published in the city of San Jose, which notice shall state explicitly the time and conditions of the lease, provided that the council may in its discretion reject any and all bids.

(b) To receive bequests and gifts and to do all things necessary to carry out the purposes of such bequests and gifts.

(c) To make and enforce ordinances for the protection of the health, morals, peace, safety, comfort and convenience of the people, and to provide penalties for the violation thereof.

## Powers

(d) To license, for the purpose of regulation and revenue, corporations, copartnerships or persons engaged in any business, occupation, trade or profession

(e) To grant franchises to corporations, copartnerships and persons to construct and operate public utilities in the streets and public grounds of the city, subject to the limitations hereinafter set forth.

(f) To acquire, by the right of eminent domain or otherwise, control, construct, maintain, own and operate lands, buildings, machinery or other property, real or personal, within or without the municipality, for the purpose of supplying the people thereof with water, light, heat, power, transportation, telephone service, baths, parks, playgrounds, fountains, docks, wharves, warehouses, conduits, pipe galleries, sewers, cemeteries, crematories, hospitals, jails, schools, libraries, reading-rooms, art galleries, nurseries, markets, abattoirs, and all other public buildings, works and institutions which may be necessary for the health, morals, peace, safety, comfort and convenience of the people.

(g) To fix the rates, if any, at which any of the above services shall be furnished to inhabitants of the city or others.

(h) To create, provide for, construct and maintain streets, sidewalks, curbs and all other things of the nature of public works and improvements: to exercise any and every power conferred upon municipalities for this purpose by the constitution and laws of this state: to levy and collect special assessments to pay for the same.

(i) To levy and collect taxes upon any or all objects of taxation upon which a city may lay a tax in accordance with the constitution and laws of this state, subject to the limitations hereinafter imposed.

(j) To borrow money for any of the purposes for which the city is authorized to provide, and for the purpose of carrying out any of the powers granted to the city by this charter, and to issue bonds therefor: *provided*, that in the procedure for the creation and issuance of such bonded indebtedness, the general laws of the state of California in force at the time such proceedings are taken, shall be observed and followed.

(k) To do and perform any and all other acts and things appropriate to a municipal corporation which are not specifically forbidden by the constitution or laws of this state, or which may be for the general welfare and good of the people of said city of San Jose, and no enumeration of powers in this charter shall be taken to imply any limitation of the foregoing general grant of power.

## ARTICLE II.

*Elective Officers.*

3. The elective officers of the city shall be seven councilmen and a city auditor and a police judge.

TERMS OF COUNCILMEN, CITY AUDITOR AND POLICE JUDGE.

4. The councilmen in office at the time of the adoption of this charter shall hold office for the terms for which they were chosen or designated. On the first Monday in May, 1916, there shall be elected at large four councilmen, city auditor and police judge. Two councilmen shall be elected for a term of four years, and two councilmen for a term of six years. Henceforth as the terms of councilmen expire their successors shall be elected at large for a term of six years. The city auditor and police judge shall each be elected for a term of four years.

Terms of councilmen, etc

OATHS AND BONDS.

5. Every elective officer shall, before entering upon the duties of his office, take the oath of office provided for in the constitution of this state, and shall file the same with the city clerk. Each councilman shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety in the penal sum of \$5000, conditioned upon the true, honest and faithful performance of the duties of his office. The city auditor shall give and execute a similar bond in the penal sum of \$10,000. The council shall make provision for the payment of the premium of the said bonds out of the city treasury. The bonds of the councilmen shall be approved by the auditor; the bond of the auditor by the council. When approved, the bonds of the councilmen shall be filed with the city auditor and the bond of the city auditor with the city clerk.

Oaths and bonds

SALARIES.

6. Each councilman shall receive the sum of \$5 for each council meeting attended, provided that the total compensation of each councilman shall not exceed \$25 in any one month. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

Salaries

The city auditor and the police judge shall each receive a salary of \$2000 per year.

VACANCIES.

7. A vacancy in any elective office, from whatever cause arising, shall be filled by the council until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term, provided that if, for any reason, the seats of a majority of the council shall become vacant, the city clerk shall call a special election to fill the vacancies for the unexpired portions of the terms, which election shall be conducted as hereinafter provided for the general municipal election.

Vacancies.

QUALIFICATIONS.

8. All elective officers shall be, at the time of their election, qualified electors of the city of San Jose.

Qualifications.

ARTICLE III.

*Nominations and Elections.*

Nominations and elections

9. Candidates to be voted for at all general municipal elections under the provisions of this charter shall be nominated in the manner hereinafter prescribed and not otherwise. The first, or primary election shall be held on the first Monday in May, 1916, and every second year thereafter. Any person desiring to become a candidate for an elective office shall, at least thirty days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

STATE OF CALIFORNIA, }  
County of Santa Clara. } ss.

Statement of candidacy.

I, (-----) being first duly sworn, say that I reside at ----- street, city of San Jose, county of Santa Clara, state of California; that I am a qualified elector therein; that I am a candidate for nomination to the office of -----, to be voted upon at the primary election to be held on the first Monday of May, 19--, and I hereby request that my name be printed upon the official primary ballot for nomination at such primary election for such office.

Signed -----  
And shall at the same time file therewith the petition of at least 250 qualified voters of said city, requesting such candidacy.

FORM OF NOMINATION PETITION.

Nomination petition

10. The petition of nomination shall consist of not less than 250 individual certificates, which shall read substantially as follows:

*Petition of Nomination.*  
*Individual Certificate.*

STATE OF CALIFORNIA, }  
County of Santa Clara. } ss.  
City of San Jose. } No. ----

I, the undersigned, certify that I do hereby join in a petition for the nomination of ----- whose residence is at No. ----- street, San Jose, for the office of -----, to be voted for at the primary election to be held in the city of San Jose, on the ----- day of May, 19--, and I further certify that I am a qualified elector, and am not at this time a signer of any other petition nominating any other candidate for the above named office, that my residence is at No. ----- street, San Jose, and that my occupation is -----.

(Signed) -----

STATE OF CALIFORNIA,  
County of Santa Clara, } ss.  
City of San Jose.

-----, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) -----

Subscribed and sworn to before me this ----- day of ----- 19--.

-----  
Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to -----, at No. ----- street, San Jose, California.

FORMS TO BE SUPPLIED BY THE CITY CLERK.

11. It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character. City clerk to furnish forms

REQUIREMENTS OF CERTIFICATES.

Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office; *provided*, that each elector may sign the certificates as for a separate office of a number of candidates for the office of councilman, not exceeding the number to be elected. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient, or upon the withdrawal or death of any candidate. Requirements of certificates

VERIFICATION DEPUTIES.

12. Verification deputies, under this section, must be qualified electors of the city, and shall be appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and Verification deputies.

their appointments shall continue only until all petitions of nomination under this section shall have been filed with the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their place of residence, occupation and whether or not they are qualified electors of the city of San Jose California

#### DATE OF PRESENTING PETITION.

Date of  
presenting  
petition

13 A petition of nomination must be presented to the city clerk not earlier than forty-five days nor later than thirty days before the primary election, except as otherwise provided in this charter. The city clerk shall endorse thereon the date upon which the petition was presented to him.

#### EXAMINATION OF PETITIONS BY CITY CLERK

Examination  
by city clerk

14. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition within five days after the same has been presented to him to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance, but not later than twenty days before the election. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

#### WITHDRAWAL OF SIGNATURE.

Withdrawal  
of signature

15 Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

#### WITHDRAWAL OF CANDIDATE

Withdrawal  
of candidate

16. Any person whose name has been presented under the provisions of this charter as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made, by filing petitions therefor, not later than twenty days prior to such election, in the same manner as hereinbefore provided.

#### FILING OF PETITIONS.

Filing of  
petitions

17. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided,

the city clerk shall file the same not less than eighteen days before the date of the election. When a petition of nomination shall have been filed by the city clerk it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

PRESERVATION OF PETITIONS.

18. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates comprising the same filed under this section Preservation of petitions

Immediately upon the expiration of the time of the filing of the petitions of nomination, the city clerk shall mail, not later than five (5) days prior to the date of election, a sample ballot to each qualified voter in the city of San Jose: the city clerk shall thereupon cause the primary ballots to be printed Sample ballots

BALLOTS.

19. The ballots shall be printed upon plain, substantial white paper, and shall have no party designation or mark whatever, and shall be in substantially the following form: Ballots

*Official Primary Ballot.*

Candidates for Nomination for Councilmen (and City Auditor and Police Judge if any) of the city of San Jose, at the primary election, held May -----, 19----- Form

Place a cross (X) in the square following the name of the candidate for whom you desire to vote.

*For Councilman.*

Vote for (giving the number).

(Here print alphabetically the names of all candidates for Councilmen, with a square following each name )

For City Auditor (if any).

Vote for one

(Here print alphabetically the names of all candidates for City Auditor, with a square following each name )

For Police Judge (if any).

Vote for one

(Here print alphabetically the names of all candidates for Police Judge, with a square following each name )

FIRST ELECTION.

20. Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to 10 per cent more than the number of registered voters in such polling precinct who are entitled to vote at said election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall forthwith make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk. The council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election. First election

In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected.

## GENERAL ELECTION.

General  
election.

21. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first or primary election shall be considered to have been a primary election for the nomination of candidates, and a general election on the second Monday succeeding, said first election shall be held to fill said office or offices. The candidates not elected at such first election equal in number to twice the number to be elected to all such offices, who have received the highest number of votes for the respective offices at such first or primary election, shall be the only candidates at such general election; *provided*, that if two or more persons shall each receive an equal number of votes at said first or primary election and said number of votes so received by each of said persons shall be greater than the number of votes received by any other person who is a candidate for nomination for the same office, or if any two or more persons receive an equal number of votes at said first or primary election and said number of votes is exceeded by the number of votes received by only one candidate for said office, then in either event both of the persons so receiving an equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the number of persons to be elected, who shall receive the highest number of votes at such general election, shall be declared elected to such office.

## RULES GOVERNING GENERAL ELECTION.

Rules  
governing  
general  
election

22. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the general election, *and provided also* that the same precincts and polling places shall, if possible, be used.

## ELECTION REGULATIONS.

Election  
regulations

23. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

## ELECTIONS FOR THE SHORT TERM.

Elections for  
the short  
term.

24. If at any general municipal election any elective officer is to be chosen to fill the unexpired portion of a term as provided in Section 7 of this charter, all provisions of this article with regard to nominations and elections shall apply to the candidates for such unexpired term, provided, that the statement of candidacy and the petitions of nomination shall clearly state that the candidate is a candidate for the short term, and that on the ballots at the first or primary and general municipal elections, the candidates for such short term shall be listed as for a separate office.

ARTICLE IV.

*Recall.*

25. Any elective officer provided for in this charter, may be removed from office by the electors. The procedure to effect such removal shall be as follows:

A petition demanding that the question of removing such officer or officers, if the removal of more than one officer is desired, be submitted to the electors shall be filed with the city clerk.

Such petition shall be signed by qualified electors equal in number to at least twenty-five (25) per centum of the total number of persons voting at the general municipal election next preceding the filing of such petition.

The signatures to such petitions need not all be appended to any one paper.

PETITIONS.

26. Petition papers shall be procured from the city clerk, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the city clerk, stating the name and office of the officer or officers sought to be removed. The city clerk, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify on such papers the name of the elector to whom issued, and the date issued. No petition paper shall be accepted as part of the petition unless it bears such certificate of the city clerk and unless it be filed as provided herein.

SIGNATURES.

27. Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place thereon after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be, and that such circulator has not received and will not receive, either directly or indirectly, any compensation for circulating said petition, or for procuring signatures thereto.

FILING OF PETITIONS.

28. All papers comprising a recall petition shall be assembled and filed with the city clerk as one instrument within thirty (30) days after the filing with the city clerk of the affidavit stating the name and office of the officer or officers sought to be removed.

## EXAMINATION OF PETITIONS.

Examination  
of petitions

29. The city clerk shall examine the great register of the county and therefrom ascertain whether or not said petition is signed by the requisite number of qualified voters; and upon his request the council shall allow him extra help for that purpose, and the clerk shall attach to said petition within ten days after its presentation to him, his certificate showing the result of said examination. If by the clerk's certificate the petition is found to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within five days after such amendment make like examination of the amendment to the petition and attach his certificate thereto as in the case of the original petition, and if his certificate shall show the said amended petition to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition, either as originally filed or after amendment, shall be found to be sufficient, the city clerk shall submit the same to the council at the next regular meeting of said council after the date of his certificate of such sufficiency and he shall forthwith serve upon the officer or officers sought to be recalled a notice of the submission of such petition, which said notice may be served upon said officer personally or by leaving a written notice of such submission at the last known address in the city of said officer or officers.

Submitted  
to council.

## CALLING OF ELECTION.

Recall  
election

30. If said officer or officers does not resign within five days after the submission of said petition to said council, said council shall order and fix a date for holding a recall election, which said election shall be held not less than twenty days or more than forty days from the submission of said petition to said council. The election shall be held at the same time as any general or special municipal election scheduled to be held within such period; but if no such general or special election is to be held within such period the council shall call a special recall election, to be held within the time aforesaid.

## BALLOTS.

Ballots

31. The ballots at such recall elections shall conform to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the office of (name of office) by recall?"

Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (name of person).

Against the recall of (name of person).

Immediately to the right of each proposition shall be placed a square in which the electors, by making a cross mark (X) may vote for either of such propositions.

RESULT.

32. Should a majority of votes cast at a recall election be <sup>Result</sup> against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his term, subject to recall, except as hereinafter provided. If a majority of the votes cast on the question of the recall of a particular officer at a recall election be for the recall of such officer, he shall, regardless of any technical defects in the recall petition, be deemed removed from office.

LIMITATION OF TIME.

33. No recall petition shall be filed against any elective <sup>Limitation of time</sup> officer within six (6) months after he takes his office, and in the event of the failure to recall any elective officer at any such election, no other election may be held for the recall of such officer until six (6) months after such previous recall election.

ARTICLE V.

*Initiative and Referendum.*

34. In addition to the powers vested by this charter in the <sup>Initiative and referendum</sup> council, the people reserve to themselves the power to adopt or reject ordinances at the polls independently of the council.

PETITION SHALL CONTAIN PROPOSED ORDINANCES.

35. To initiate proceedings for the exercise of said reserved <sup>Petition</sup> powers, a petition signed by duly qualified electors of the city equal in number to twenty-five per cent of the number of persons voting at the general municipal election next preceding the filing of the petition, shall be filed with the city clerk. Said petition shall be addressed to the council, shall contain the proposed ordinance set out in full and shall request that the proposed ordinance be submitted forthwith to vote of the people at a special election, or at the next general election at the option of those proposing the ordinance.

THE PETITION MAY BE IN TEN SECTIONS.

36. To facilitate the procuring of signers, the petition may <sup>Petition may be in ten sections.</sup> consist of not exceeding ten separate sections. Any qualified elector may circulate a section for signatures, and each signer shall add to his signature his place of residence, giving the street and number. Each section shall have attached thereto the affidavit of the person who circulated the same for signatures that all the signatures were made in his presence, and that such signature is the genuine signature of the person whose name it purports to be. The several sections shall each contain a copy of the proposed ordinance, and, at the time of being signed, shall in all respects be counterparts of each other. When filed they shall be attached together and constitute the petition.

VERIFICATION OF THE PETITION.

37. Within ten days after such petition is filed, the city <sup>Verification</sup> clerk shall satisfy himself whether or not such petition is

signed by the requisite number of qualified electors of the city, residing at the places set opposite their respective names. At the conclusion of such examination, the city clerk shall attach to the petition his certificate showing the result of his examination. The council shall allow the city clerk such extra help in making the examination as may be necessary.

PETITION MAY BE AMENDED.

Petition may  
be amended.

38. If by the certificate it appears that the petition is not signed by the requisite number of duly qualified signers, or is defective in any other particular, it may be amended within ten days from the date of the certificate, by the filing of not exceeding five additional sections duly verified and counterparts except as to the names of the signers, of the sections on file, containing the requisite number of signatures. The city clerk shall, within five days after such additional sections are filed, make examination of the signatures thereon and attach his certificate to the petitions showing whether or not the petition is sufficient. If, after filing the additional sections, the certificate of the city clerk shows the petition still insufficient, no further proceedings shall be had on the petition on file.

COUNCIL SHALL PASS THE ORDINANCE OR CALL AN ELECTION.

Council  
shall pass  
ordinance or  
call election

39. If the certificate of the city clerk shows the petition sufficient and a special election is demanded in the petition, the council shall within twenty days from the date of the city clerk's certificate showing the sufficiency of the petition, either pass such ordinance without alteration, or, except as provided in section 46 of this charter, call a special election to be held within forty days from the date of calling said election, and submit thereat said proposed ordinance without alteration to vote of the people. The council may at the same time submit an alternative ordinance.

Alternative  
ordinance.

FIFTEEN PER CENT PETITION.

Fifteen  
per cent  
petition

40. If the petition request that the proposed ordinance be submitted to a vote of the people at the next general municipal election, and be signed by qualified electors equal in number to fifteen per centum of the number of persons voting at the general municipal election next preceding the filing of the petition and said ordinance be not passed by the council, as demanded in the petition, then such ordinance without alteration shall be submitted by the council to a vote of the people at the next general municipal election, *provided* such election shall occur at any time after twenty days from the date of the city clerk's certificate showing the sufficiency of the petition. The council may at the same time submit an alternative ordinance.

PRINTED ARGUMENTS FOR AND AGAINST THE ORDINANCE.

Printed  
arguments  
for and  
against  
ordinance.

41. Not less than twenty days prior to the election at which the proposed ordinance is submitted to vote of the people, the proposers of the ordinance and the council may respectively

present to the city clerk printed arguments favoring or opposing the passage of the proposed ordinance. There shall be only one printed argument on behalf of the proponents of the ordinance, and one on behalf of the council, and said arguments shall be contained in not exceeding two hundred words on each printed paper. The form and size of the paper shall be suitable for mailing, and shall be prescribed by the city clerk. The number of copies of such printed arguments for each party shall be five per centum in excess of the total number of qualified electors in the city. One copy of each of said arguments shall be mailed by the city clerk with each sample ballot, and with each sample ballot shall also be mailed a printed copy of the proposed ordinance and petition, eliminating, however, the names of the signers of said petition and the certificate of the city clerk. The cost of printing the necessary copies of the petition and proposed ordinance shall be borne by the city.

FORM OF THE BALLOT.

42. The ballot used when voting on the proposed ordinance shall set forth the title of the ordinance in full, state its general nature and shall contain the words, "For the Ordinance." Opposite such proposition to be voted on, and to the right thereof, the words "yes" and "no" shall be printed on separate lines with voting squares in which the voter may make his cross. If a majority of those voting on such proposed ordinance shall vote in favor thereof, such ordinance shall be deemed adopted and shall take effect five days after the declaration of the official canvass of the returns of such election.

Form of ballot.

SEVERAL ORDINANCES MAY BE SUBMITTED TO VOTE OF THE PEOPLE AT THE SAME ELECTION.

43. Any number of proposed ordinances may be submitted to vote of the people at the same election. The enacting clause of an ordinance adopted by vote of the people shall be, "The People of the City of San Jose do ordain as follows."

Several ordinances submitted at one time.

REPEAL OR AMENDMENT OF ORDINANCE.

44. An ordinance proposed by petition and passed by vote of the people can be repealed or amended only by vote of the people. The council, at any general municipal election, may, without petition, submit to vote of the people a proposition to amend or repeal any ordinance adopted by vote of the people, or for the enactment of a new ordinance, and in case a majority of the votes cast thereon at such general municipal election be in favor of the proposition submitted, the ordinance shall thereupon be amended or repealed accordingly, and the new ordinance adopted.

Repeal or amendment of ordinance.

CONFLICTING ORDINANCES ADOPTED.

45. If two or more ordinances adopted at the same election shall contain conflicting provisions, the one adopted by the highest number of voters shall be construed as paramount to the other so far as the particular conflict is concerned.

Conflicting provisions.

## INITIATIVE ELECTIONS TO BE SIX MONTHS APART.

Initiative  
elections  
to be  
six months  
apart

46. There shall not be held more than one special election in a period of six months for the purpose of submitting any ordinance to vote of the people.

## THE REFERENDUM.

Referendum

47. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except where otherwise required by the general laws of the state, or by the provisions of this charter respecting street improvement or street opening, or respecting matters pertaining to the purchase or sale of lands, and except the ordinance making the annual tax levy, or ordinances pertaining to bond issues, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by five affirmative votes in the council: *provided*, that no grant of any franchise shall be construed to be an urgency measure, and all franchises shall be subject to the referendum, as herein provided. If during said thirty days a petition signed by qualified electors of the city, equal in number to at least fifteen per centum of the number of persons voting at the general municipal election next preceding the filing of the petition protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election, or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The form of the petition, and the mode of verification and certification and filing shall be substantially, with such modifications as the nature of the case requires, as provided for recall elections.

## ARTICLE VI.

*The City Council.*

City council

48. The governing body of the city shall be the city council. It shall consist of seven councilmen elected as hereinbefore prescribed. It shall select by an affirmative vote of at least four members of the council a city manager to be the chief administrative officer of the city and shall exercise all the powers conferred by this charter or by the constitution and laws of the state upon the City of San Jose, subject always to the provisions of the preceding article of this charter.

## MEETINGS.

Meetings

49. At eight o'clock p. m. on the first Monday in July, 1916, the council shall meet in the council chamber at the city hall. Thereafter the council shall meet at such times as it may determine, but not less frequently than once in each two weeks.

All meetings shall be open to the public. The council shall adopt rules for the conduct of its business, and shall be the judge of the election and qualifications of its members. It shall keep a journal of its proceedings. Special meetings may be called at any time, upon at least six hours' written notice, by the president of the council, two councilmen, or the city manager. Four members shall constitute a quorum Quorum

ORDINANCES AND RESOLUTIONS.

50. The council shall act only by ordinance or resolution. The vote upon the passage of all ordinances and resolutions shall be by "ayes" and "noes" and entered upon the journal. The affirmative vote of four members shall be necessary to the passage of any ordinance or resolution. Ordinances and resolutions.

All resolutions and ordinances shall be signed by the president of the council and attested by the city clerk.

In addition to those cases in which an ordinance is required by other provisions of this charter, no action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance: *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

The enacting clause of all ordinances shall be: "Be it ordained by the council of the City of San Jose." All ordinances shall be introduced in written or printed form and, with the exception of the annual appropriation ordinance, shall contain but one subject which shall be clearly stated in the title. If any subject shall be embraced in an ordinance or resolution which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed. Enacting clause

An ordinance, unless it is declared to be an emergency measure, as provided in section 47 of this charter, must before final action thereon be passed to print and published in a newspaper of general circulation published in the City of San Jose with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day. Publication.

No ordinance shall be amended unless the whole section to be amended be set forth as amended, and the original section repealed. Amendments.

POWER OF INVESTIGATION.

51. The council, or a committee thereof, may investigate the affairs of any department or the official acts and conduct of any official. It shall have power to administer oaths, compel the attendance of witnesses and the production of books Power of investigation

and papers, and may punish for contempt any person failing to obey its subpoena or refusing to testify. No person shall be excused from testifying, but his testimony shall not be used against him in any criminal proceeding, other than for perjury.

PRESIDENT OF THE COUNCIL.

President. 52. The council shall elect a president of the council from among their number on the first Monday in July, 1916, and every second year thereafter. He shall preside over the council and may speak and vote as any other member. In case of his absence from a meeting of the council, the council shall elect from among their number a president pro tempore. If at any time the office of president of the council becomes vacant by resignation or because, for any reason, the person holding said office ceases to be a member of the council, the council shall elect from their number a president of the council for the unexpired balance of the term.

ARTICLE VII.

*Appointive Officers.*

Appointive officers. 53. There shall be the following appointive officers, boards and commissions who shall perform the duties assigned them by this charter or by ordinance.

City manager, city clerk, city treasurer, city engineer, city attorney, chief of the fire department, chief of the police department, board of health, health officer, civil service commission, city planning commission, superintendent of parks, board of library trustees, board of education.

The council may by ordinance provide for the appointment and duties of such other officers, boards, commissions, deputies or employees as may be necessary to carry on the functions of the city as defined in this charter.

Qualifications and compensation. The council shall fix the qualifications and compensation of all employees of the city government, except as otherwise provided in this charter. The council shall appoint the city manager, city clerk, civil service commission and city planning

Removal. commission (three members). The council may remove any officer appointed by it, except the city manager upon the affirmative vote of four members, after a public hearing.

The council may remove the city manager at any time upon the affirmative vote of four of its members.

All other appointive officers shall be appointed and removed by the city manager.

Oath. All appointive officers shall before entering upon the duties of their office take the oath herein prescribed for elective officers and file with the city auditor bonds in such penal sums as this charter, or failing such provision, as the council may by ordinance, direct. These bonds shall be surety company bonds and the premiums thereon shall be paid by the city.

CITY CLERK.

54 The city clerk shall be the custodian of the seal of the city. He shall safely keep all books, records and other documents required by this charter or the laws of the state to be kept and filed in his office. He shall be clerk of the council, and until the council shall otherwise provide by ordinance he shall act as clerk of the police court. He shall have power to administer oaths. It shall be his duty to perform all acts required of him by this charter, by ordinance or by the laws of the state.

CITY ATTORNEY.

55. The city attorney shall be an attorney-at-law, duly admitted to practice in the courts of this state, and having practiced therein at least five years.

He shall represent the city in all litigation, including the prosecution of criminal cases arising out of the violations of city ordinances. He shall be the legal advisor of the council, the city manager, and all other officers, boards and departments of the city, and shall give his opinion in writing when requested by any officer or board. He shall draft all proposed ordinances, or resolutions, when requested to do so by the council, and perform such other duties as may be prescribed by ordinance.

ARTICLE VIII.

*City Manager.*

OFFICIAL HEAD OF THE CITY.

56 The council shall appoint a city manager, who shall hold office at the pleasure of the council. The city manager shall be recognized as the official head of the city and shall have and exercise all the rights, powers and duties devolving on the mayors of cities under the laws of the State of California which may be applicable to the city of San Jose, except as otherwise provided in this charter. He shall be the administrative head of the city government and shall be responsible for the conduct of all its departments. He shall receive a salary to be fixed by the council by ordinance. Before taking office he shall file with the city auditor a surety company bond in the penal sum of \$10,000, conditioned upon the true, honest and faithful performance of the duties of his office. The premium of this bond shall be paid by the city.

MANAGER'S POWER OF APPOINTMENT.

57. The city manager shall appoint the following officers and all other officers of the city, subject to the provisions of article XVI of this charter, except where this charter expressly provides otherwise:

City treasurer, city engineer, city attorney, board of health, health officer, chief of police department, chief of fire department, board of education, board of library trustees, superintendent of parks.

The city manager may remove any person appointed by him, provided that he must file with the council and the civil service commission a statement of the grounds of the removal and give to the person sought to be removed an opportunity to be heard in his own defense at a public hearing.

#### OTHER POWERS OF THE MANAGER.

Powers.

58 He shall have power: (a) To see to the faithful execution of the laws and ordinances of the state and city. (b) To control and direct the several officers and departments of the city government. (c) To investigate at any time the affairs of any department. He, or any person appointed by him, for the purpose, shall have the same power to compel the attendance of witnesses, and the production of books, papers and other evidence, and to punish for contempt, which has hercin been conferred upon the council. (d) To attend all meetings of the council and to take part in its discussions, but not to vote. (e) To keep the council advised of all the needs of the municipality and to recommend measures for its adoption. (f) To prepare the annual budget. (g) To perform such other duties as may be imposed on him by this charter, or by ordinance.

#### PURCHASING AGENT.

Purchasing agent.

58a. At the beginning of each fiscal year it shall be the duty of the head of each department or office to furnish the purchasing agent with an estimate of the supplies and materials needed by that department or office during the ensuing year. It shall be the duty of the purchasing agent to buy from time to time supplies and materials to the credit of the store fund. It shall be his duty to acquaint himself with the needs and requirements of the city and to procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality, and shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and the disposition thereof. He shall have the custody of all supplies in the city store, and shall deliver the same from time to time on the written requisition of the officer or department requiring them. The council shall in the first annual appropriation ordinance after the adoption of this charter, appropriate a sum sufficient to create a revolving store fund. Supplies drawn from the store shall be paid for by warrants payable to the store fund.

#### PURCHASE BY CONTRACT OR IN THE OPEN MARKET.

Purchase by contract or in open market.

59. When the expenditure required for the purchase of any supplies exceeds five hundred dollars (\$500.00), the purchasing

agent shall advertise for sealed proposals in the manner hereinafter prescribed for proposals for public work and the contract shall be awarded by the council to the lowest responsible bidder, provided that the council may reject all bids and order the purchasing agent to buy in the open market at a price less than the lowest bid received from a responsible bidder, and provided that if no bids are received, the council may order the purchasing agent to buy in the open market.

Until the council shall otherwise provide by ordinance, the city manager shall act as purchasing agent.

ARTICLE IX.

*Finance.*

FISCAL YEAR.

60. The fiscal year shall commence on the first day of <sup>Fiscal year.</sup> December.

TAX LIMIT.

61. The tax levy authorized by the council shall not exceed <sup>Tax limit</sup> one dollar upon each one hundred dollars (\$100 00) of the assessed valuation of all real and personal property within the city, exclusive of the amount necessary to pay the principal of and interest on the bonded indebtedness of the city, except by ordinance approved, or adopted by the affirmative vote of the majority of the people voting at a general or special election.

ASSESSMENT AND COLLECTION OF TAXES.

62. The council shall have power to avail itself of any law <sup>Assessment and collection of taxes</sup> of the state of California now or hereafter in force whereby the assessment of property and the collection of taxes may be made by officers of the county in which the city of San Jose is situated. All ordinances of the city upon this subject in effect at the time of the adoption of this charter, shall remain in full force and effect until repealed or amended. The council may by an ordinance, which must be submitted to and adopted by vote of the people at any general or special municipal election, provide for the assessment of property and the collection of taxes by officers of the city. Such an ordinance may create the offices of assessor and tax collector and provide for their consolidation with any other offices of the city now or hereafter existing, and give to such officers any or all the powers and duties authorized by general law. In this event the council shall be the board of equalization with power to correct, modify, strike out or raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

ESTIMATE OF REVENUE AND EXPENDITURE.

63. On or before the first day of July of each year, the city <sup>Estimate of revenue and expenditure</sup> manager shall submit to the council an estimate of revenue and expenditures for the ensuing year. It shall contain an estimate of the probable revenue from all sources, the amount necessary to meet the interest and principal of the bonded indebtedness of the city, and the following information arranged in parallel columns:

(a) Detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations, and an estimate of the expenditures necessary to complete the current fiscal year.

(d) Supplies and materials on hand.

(e) Such other information as the council may require.

(f) Recommendations of the city manager.

Sufficient copies shall be prepared by the city manager to provide one for each member of the council and to place two copies on file in his office for the inspection of the public.

#### PUBLICATION OF THE BUDGET.

Publication  
of budget

64 Upon the receipt of this budget, the council shall proceed to consider the same. Before final action is taken the city manager, at the direction of the council, shall publish for general distribution an abstract of the budget showing the principal items of expenditure for each department, together with the changes in his recommendations proposed to be made by the council. The council shall then fix a time and place for public hearings. The council shall not finally pass the annual budget before the first day of September.

#### MISCELLANEOUS PROVISIONS RELATING TO APPROPRIATIONS.

Unexpended  
balance.

65. Upon request of the city manager, the council may by ordinance, transfer any part of an unencumbered balance of any appropriation to another purpose or object, or may by ordinance authorize a transfer to be made between items appropriated to the same office or department.

At the close of each fiscal year, the unexpended balance of each appropriation against which no contracts for work or supplies are outstanding reverts to the general fund. Any money in the general fund otherwise unappropriated may be appropriated by the council at any time, by ordinance.

No money shall be drawn from the city treasury nor obligation for the expenditure of money be incurred, except in accordance with the appropriations made by the council.

#### EMERGENCY FUND.

Emergency  
fund

65a. The council shall create and maintain a permanent revolving fund to be known as the emergency fund, for the purpose of paying promptly any unexpected or unusual claims against the city. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than one-half cent on each one hundred dollars of the assessed value of said property shall be placed in such fund, until the accumulated amount in such fund shall equal three cents on each one hundred dollars of the assessed value of said property.

The council shall have power to transfer from the emergency fund to any other fund or funds such sum or sums as may be required for the purpose of maintaining such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the emergency fund be returned thereto before the end of the fiscal year.

TAX LEVY.

66. It shall be the duty of the city manager to procure, as soon as available each year, a certificate from the county assessor (or the city assessor, should the office of city assessor be created), of the total amount of property assessed for taxation within the limits of the city, as shown by the assessment roll in the office of the county assessor. He shall lay the same before the council at the same time with his estimates for the annual budget. Tax levy

At the same time that it finally passes the annual budget, the council shall adopt an ordinance setting forth the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the city necessary, in conjunction with the revenue derived from such other taxes, licenses and other sources of income as may be authorized by law and ordinance, to raise the amounts estimated to be required in the annual budget.

The city auditor shall thereupon certify to the county assessor the total of such levy.

If at any time the city reassume the right to assess property and collect taxes, the council shall levy the rate of taxation upon the valuation of the property in the city as fixed by the assessment roll prepared by the city assessor. The assessment roll shall then be delivered to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll.

TAX LIENS.

66a. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter. Taxes, liens on property

## CITY AUDITOR.

**Auditor.** 67. The city auditor shall be the general accountant and responsible fiscal officer of the city. He shall keep a complete set of books in the manner hereinafter prescribed. He shall have power to administer oaths, summon witnesses and order the production of books, papers or other evidence for any purpose connected with the financial administration of the city. No money shall be drawn from the city treasury except by warrant drawn by the city auditor. The city auditor shall not draw his warrant for the payment of any claim until he is satisfied that the claim represents an obligation legally incurred and is not, when added to all expenses already incurred against the appropriation in question in excess of the amount of said appropriation, or said appropriation plus duly authorized transfers thereto, nor together with all claims already paid from the fund from which it is to be paid in excess of the money actually paid into the city treasury on account of said fund during the current fiscal year.

## UNIFORM ACCOUNTS.

**Uniform  
accounts.**

68. The auditor shall install and maintain a modern accounting system which shall include such a standard classification of assets and liabilities as will permit of the preparation of a general balance sheet disclosing the exact financial condition of the city at the close of any month. He shall provide uniform forms of account for all officers and departments of the city which receive and disburse money. And on written request and authorization of the city manager, the city auditor shall hire, engage and contract for the services of a duly qualified, certified public accountant to prescribe, design and install the forms of keeping and rendering all city accounts and the manner in which all creditors, officers and employees of the city shall be paid, and to record in detail all transactions affecting the acquisition, custodianship and disposition of values. Such statements shall include a general balance sheet exhibiting the assets and liabilities of the city, supported by departmental schedules and schedules for each utility publicly owned or operated; summaries of income and expenditure supported by detailed schedules and also comparisons with the last previous year. The accounts of the purchasing agent shall be kept in such a form as will enable the auditor to ascertain at any time the details of unfilled orders for materials and for services or the filled orders for which invoices have not been rendered.

## PAYMENT OF CLAIMS.

**Payment of  
claims.**

69. All claims shall be submitted to the city auditor upon vouchers, the form of which shall be prescribed by him, signed by the head of the department for which the indebtedness was incurred and countersigned by the city manager. Before issuing such a voucher, the head of the department must have duly inspected the supplies or material furnished or work done and have certified the same as satisfactory. The head of

each department shall cause to be kept on forms furnished by the city auditor accurate time reports duly certified by some person having cognizance thereof, as the basis for pay roll vouchers. Each head of a department or his surety shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department.

CITY TREASURER.

70. The city treasurer shall be the custodian of all the moneys of the city. He may deposit such moneys in a bank or banks subject to the limitations of the constitution and general laws of the state. He shall be ex-officio license collector. He shall collect all licenses and other moneys due to the City of San Jose and perform such other duties as the council may by ordinance direct. Before assuming the duties of his office he shall file with the city auditor a surety company bond in the penal sum of fifty thousand (\$50,000) dollars, conditioned for the true, faithful and honest performance of his duty. The premium of this bond shall be paid by the city.

Treasurer

PAYMENT OF MONEYS INTO THE TREASURY.

71 Every officer collecting or receiving any moneys belonging to or for the use of the city, except when otherwise provided by law, or this charter, shall pay the same into the city treasury and account therefor to the city auditor daily. The city auditor shall direct the proper fund to be credited therewith.

Payment of moneys into the treasury.

REPORT OF FINANCIAL CONDITION.

72 The city auditor shall lay before the council at its second meeting in each month a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and obligations incurred during the preceding calendar month and a balance sheet showing the financial condition of the city, of the several funds and the total unexpended balance to the credit of each appropriation. Copies of this report shall also be supplied to the city manager, the heads of departments, the public library, and each daily or weekly newspaper published in the city and to such citizens as make application therefor. As soon after the completion of each fiscal year as practicable, the city auditor shall submit to the council a similar report and balance sheet for the preceding fiscal year. This report shall be printed for general distribution.

Report of financial condition.

ANNUAL AUDIT OF ACCOUNTS.

73. The council shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant or firm of certified public accountants, who shall, once each year, examine the books, records, and reports of the city auditor, and all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the council may direct and make

Annual audit of accounts.

triplicate reports thereof, and present one each to the city manager and city auditor, and file one with the city clerk. Such accountant or firm of accountants shall have unlimited privilege of investigation and the right to examine under oath or otherwise all officers, deputies and employees of the city, and every such officer, deputy and employee shall give all required assistance and information to such accountant or firm of accountants, and submit to him or them for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant or firm of accountants.

The findings of the accountant or firm of accountants shall be laid before the council by the president of the council and copies thereof shall be supplied to the daily and weekly newspapers published in the city and to the public library.

## ARTICLE X.

### *Police and Fire Departments.*

#### ORGANIZATION OF POLICE DEPARTMENT.

Police  
department

74. The police department shall consist of a chief of police, a police force and all such subordinate officers and employees as the city council may prescribe. The council shall have full power to determine the form of organization of the police department, to adopt rules for the government, discipline, equipment and uniform of the department, and to fix the salaries of all officers and employees.

#### CHIEF OF POLICE.

Chief of  
police

75. The chief of police shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. He shall be responsible for the execution of all laws and ordinances and the rules governing the police department. He shall have such other powers and duties as may be conferred by the rules of the department.

#### FIRE DEPARTMENT.

Fire  
department

76. The fire department shall consist of a chief and such firemen and other employees as the council may determine. The council shall prescribe rules for the government of the department and shall fix the compensation of all its members.

#### QUALIFICATIONS.

Qualifica-  
tions of  
employees  
of police  
and fire  
departments

77. Every person appointed to the police and fire department, excepting the respective chiefs thereof, subsequent to the first day of July, 1916, shall be not less than twenty-one, nor more than thirty-five years of age, and must possess the physical qualifications prescribed by the civil service commission, (which shall not in the case of male members be inferior to those required of recruits by the United States Army). They must also pass a satisfactory mental examination under the rules prescribed by the civil service commission.

FIRE AND POLICE RETIREMENT FUND.

78. The city treasurer shall be the trustee of the fire and police retirement fund. The council may provide for contributions to this fund by the city and by the active members of the police and fire department, to be deducted from their monthly salaries. The contribution from members of the department shall in no case exceed one-third of the contribution of the city. The trustees may also receive gifts or donations to the fund. Unless the terms of the gift provide otherwise, the proceeds thereof shall be deposited in a bank or banks, or invested in bonds of the State of California or any political subdivision thereof and the interest earned thereon shall be credited to the fund.

Upon the recommendation of the civil service commission, any member of the police or fire department, who has reached the age of sixty years and has been for twenty years continuously in the service of the department and who by reason of age and infirmity is unfit for the performance of duty, may be retired. Any person so retired shall receive a monthly allowance from the said fire and police retirement fund equal to one-half his average monthly salary for the five years next immediately preceding his retirement. Such retirement allowance shall cease when the person retired dies, commits a felony, becomes dissipated or an habitual drunkard.

Payments shall be made from this fund upon a half-pay retirement voucher, certified by the president and secretary of the civil service commission.

ARTICLE XI.

*Police Court.*

POLICE JUDGE.

79. There is hereby constituted a police court in and for the city of San Jose, consisting of one police judge.

QUALIFICATIONS.

80. The police judge shall be a qualified elector and shall have been a practicing attorney for at least two years prior to his election. He shall further possess all the qualifications and be subject to all the restrictions imposed by the general laws upon justices of the peace in the State of California.

JURISDICTION.

81. Said police court and police judge shall have all the powers, authority and jurisdiction, both civil and criminal, that are now or may hereafter be conferred by law upon justices of the peace in California, and in addition thereto, said police court and police judge shall have exclusive jurisdiction of all proceedings for the violation of any ordinance of the City of San Jose.

DISQUALIFICATION.

82. In all cases in which the police judge is a party or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of

sickness, absence or inability to act, any justice of the peace of the county of Santa Clara may, at the request of the president of the council or of said police judge, act in his place and stead.

#### FEES AND FINES.

Fees and  
fines.

83. All fees and fines collected from any and all sources shall be paid by said police judge daily into the city treasury, and he shall file with the city auditor each month a detailed statement under oath of all money collected by him on behalf of the city.

### ARTICLE XII.

#### *Public Works.*

##### DEPARTMENT OF PUBLIC WORKS.

Department  
of public  
works.

84. The city engineer shall be head of the department of public works. He shall have all such powers and duties as are conferred on him by this charter or by ordinance. He shall be *ex officio* superintendent of streets. He shall at the time of his appointment have been a practicing civil engineer for a period of five years. The department of public works shall have charge of all public work relating to streets, street cleaning, lighting and watering of streets, sewers, sewage disposal, garbage disposal, public buildings and the construction and operation of all public utilities owned and operated by the city.

##### POWERS OF THE COUNCIL RELATIVE TO STREET WORK.

Powers of  
council  
relative to  
street work

85. The council shall have power to establish or change the grade of any street or public place; to order the whole or any part of any street, avenue, lane, alley, court or place within the city of San Jose to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or re sewerred; to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein; to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council (or of the people) the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

##### STREET OPENINGS.

Street  
openings

86. The council shall further have power to order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city and

to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council (or of the people) the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of improvement shall govern and control and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by the city manager, and all clerical work shall be performed by the superintendent of streets, who shall receive no compensation therefor other than the salaries of their respective offices.

BOULEVARDS

87 The council shall have power to set apart as a boulevard Boulevards. or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway, or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote

CLOSED OR ABANDONED STREETS.

88. Whenever any street or portion of a street shall be abandoned or closed by ordinance, the council may convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. Closed or abandoned streets.

PUBLIC WORK TO BE DONE BY CONTRACT.

89. All public buildings and works, when the expenditure therefor shall exceed five hundred dollars (\$500) shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in a daily newspaper of general circulation published in the city, for sealed proposals for the work contemplated. Provided, that the council may reject any and all bids, if deemed excessive and advertise for bids or provide for the work to be done by the department of public works, when such procedure does not conflict with the general laws of the state. Public work to be done by contract.

All contracts shall be approved as to form by the city attorney, and shall be signed by the president of the council and city manager, and attested by the city clerk. No contract is valid, except in the case where the work is to be paid for by special assessment, unless the city auditor shall endorse thereon his certificate that there remains an unexpended balance of an appropriation or proceeds of a bond issue applicable thereto.

## BONDS.

Contractor  
to give bond

90. At the time of executing the contract, the contractor shall execute to the city and file with the city clerk a bond in the penal sum of at least twenty-five per cent (25 per cent) of the contract price, secured by two or more sufficient sureties or by a surety company, approved by the city auditor and city attorney, conditioned upon the faithful performance of the contract within the contract time. The time limited in the contract for the completion of the work may be extended by the council for ninety days, or by a unanimous vote of the council for a longer period. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or such extension thereof as may be allowed, the contract shall by that fact be terminated and the council shall not thereafter pay or allow him any further compensation for any work done by him under said contract, and the contractor and his sureties shall be liable to the city for all loss or damage which it may suffer by reason of his failure to complete his contract within such time.

Extension  
of time

## PROGRESSIVE PAYMENTS.

Contracts  
may  
provide for  
progressive  
payments

91. Any contract may provide for progressive payments if the ordinance or resolution authorizing or ordering the work so prescribes, but no progressive payments can be provided for or made at any time which, with prior payments, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the head of the department and city manager.

## PENALTY FOR COLLUSION.

Penalty for  
collusion.

92. If at any time it shall be found that the person, firm or corporation to whom the contract has been awarded, has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his sureties shall be liable to the city for all loss or damage which the city may suffer thereby, and the council may advertise anew for bids for said work.

## HOURS OF LABOR.

Hours of  
labor.

93. No person employed by the city of San Jose or by any contractor upon any public work shall be compelled to work more than eight hours in any one day or forty-eight hours in any one week, except in case of emergency arising from the act of God or the public enemy, and every contract for such work shall contain a stipulation on the part of the contractor that except when extra time is paid for at the current rate in San Jose, he will pay to the city ten dollars for each and every day any employee works more than eight hours.

ARTICLE XIII.

*City Planning Commission.*

94. The city planning commission shall consist of the city attorney, city engineer and three persons to be appointed by the council for a term of four years who shall serve without compensation. City  
planning  
commission

All ordinances or resolutions relating to the location of public buildings, the location, extension, widening, enlargement, ornamentation and parking of any street, boulevard, parkway, park, playground or other public grounds, the vacation of streets or other alteration of the city plan of streets, and the location of any bridge, or street railway, shall be laid before it immediately after introduction.

The commission may comment upon or make recommendations with regard to the plan of the city.

All places, plots, or replots of lands laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits shall be subject to the approval of the city planning commission and no plot or map containing the same shall be considered by the city council until it has been approved by the city planning commission.

No post, pole, fence, gate, statue or other work of art shall be placed upon any street, park or other public grounds until the plan or design thereof has been approved by the city planning commission.

ARTICLE XIV.

*Department of Parks.*

95. The department of parks shall consist of a superintendent of parks and such other employees as the council may provide. The superintendent shall have complete charge of the parks and reservations of the city, except as otherwise limited in this charter. The council shall make rules for the use of the parks and the preservation of the trees, shrubs, lawns, etc. The council may designate any of the employees of the park department as special police officers and as such they shall have the powers and duties within the parks and reservations of the city as would be possessed by regular police officers. Department  
of park.

PRIVILEGES AND CONCESSIONS.

96. The parks and reservations of the city shall be inalienable. Concessions and privileges therein or in the buildings erected by the city thereon may be leased as provided in section 2 of this charter for a period of not more than one year. Privileges  
and  
concessions

A lease as provided in section 2 of this charter may be made of such portion of Alum Rock reservation as will not interfere with the free employment of the said reservation by the public, for a period of not more than twenty years, provided that within one year the lessee erects thereon a hotel building to

cost not less than fifty thousand dollars, the plans for, and location of which have been approved by the city planning commission, and by the people at a general or special municipal election.

## ARTICLE XV.

### *Department of Health.*

#### HEALTH OFFICER.

Health  
officer.

98. The head of the department of health shall be the health officer. He shall have all the powers and duties conferred on boards of health and health officers by the general laws of the state and such other powers and duties as may be conferred by ordinance. The health officer shall have the degree of doctor of medicine or shall have received a certificate or degree in public health from the University of California or other institution of equal standing and have practiced medicine or have been engaged in public health work for at least five years.

Plumbing  
inspector.

98a. The plumbing inspector shall be appointed by the city manager and shall be under the direction of the health department.

#### ABATEMENT OF NUISANCES.

Abatement  
of nuisances.

99. The health officer shall have power to order the removal or destruction of any matter, filthy, obnoxious or dangerous to health in or from any building, grounds or premises, and the demolition, or reconstruction in a way to be approved by him, of any building or premises or any portion or appurtenance thereof which violates any sanitary law or ordinance or which is productive of nuisance or dangerous to health. If the occupant or owner of the building, grounds or premises fails to obey the order of removal, demolition or reconstruction, within a reasonable time, the health officer shall proceed to carry out the terms of the order and the expense thereof shall be borne by the owner of the building, grounds or premises in question and shall become a lien thereon.

#### POWER OF ARREST.

Power of  
arrest.

100. The health officer and every other regularly appointed employee of the health department shall have the right and power to arrest any person or persons who may violate any sanitary law or regulation or any valid order of the health officer.

#### ADVISORY BOARD OF HEALTH.

Advisory  
board of  
health.

101. A board of health shall be appointed by the city manager for a term of four years, and shall consist of five persons, three of whom shall be physicians licensed to practice in this state and one a civil engineer. They shall serve without compensation. It shall be the duty of the board of health to meet on the call of the health officer and to give him its advice on any matter which he may refer to it. No order for the demolition or reconstruction of any building or premises shall be valid without the approval of the board.

ARTICLE XVI.

*Civil Service Commission.*

102. The civil service commission shall consist of three Civil service commission electors of the city appointed by the council for a term of six years except that the commissioners first appointed shall hold office for two, four and six years, respectively, from the first day of July, 1916. They shall serve without compensation. The city clerk shall act as clerk of the civil service commission.

CLASSIFIED AND UNCLASSIFIED SERVICE.

103. The civil service of the city is hereby divided into the unclassified and the classified service.

1. The unclassified service shall include: Unclassified service

(a) All officers elected by the people.

(b) The city manager, city clerk, city attorney and treasurer.

(c) The heads of departments and members of appointive boards.

(d) The secretaries, assistants or deputies of the city manager and one assistant or deputy for each department.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service, Classified service except positions under the board of education.

RULES.

104. The commission, subject to the approval of the council, shall adopt, amend, and enforce a code of rules and regulations, providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character and industry, which shall have the force and effect of law; shall make investigations concerning the enforcement and effect of this article and of the rules adopted in accordance therewith. It shall make an annual report to the council. Duties of commission

EXAMINATION AND APPOINTMENT.

105. The secretary shall provide examinations in accordance with the regulations of the commission and maintain lists of eligibles of each class of the service of those meeting the requirements of the said regulations. Positions in the classified service shall be filled by the city manager from a list of the three persons, if there be that number, on the eligible list who have received the highest standing on examination; *provided*, that for good reason shown the city manager may reject all three and call for a new list. Examination and appointment

PROMOTION.

106. The commission shall provide for promotion to all positions in the classified service, based on records of merit, efficiency, character, conduct and seniority. Promotion

## PROBATION PERIOD.

Probation  
period

107. An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months.

## PRESENT CIVIL SERVICE EMPLOYEES.

Persons  
holding  
positions  
when charter  
takes effect

108. All persons in the employ of the city holding positions in the classified service, as established by this charter at the time it takes effect, shall, unless their positions be abolished, retain the same until discharged, reduced, promoted, or transferred in accordance with the terms of this charter.

## PAY ROLLS CERTIFIED.

Pay rolls  
certified

109. The city auditor shall draw no warrant for, nor shall the treasurer pay any salary or compensation for service to any person holding a position in the classified service unless the pay roll or account for each salary or compensation shall bear the certificate of the commission, by the secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this charter and of the rules established thereunder.

## INVESTIGATIONS.

Investiga-  
tions

110. In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.

## POLITICAL BELIEF. ASSESSMENTS AND ACTIVITY.

Political  
opinions and  
activities

111. No person in the classified service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color or religious belief. No officer or employee of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote or to express privately his opinions.

## VIOLATIONS AND PENALTIES.

Violations  
and  
penalties

112. The commission, subject to the approval of the council, shall determine the penalties for the violation of the civil service provisions of this charter.

## ARTICLE XVII.

## FRANCHISES.

Franchises

113. The general power of the council to grant franchises for the construction and operation of public utilities in the streets and public grounds of the city of San Jose shall be exercised as provided in this article, and not otherwise.

NO FRANCHISE EXCEPT BY ORDINANCE.

114. No franchise shall be granted except by ordinance, specifying, in the case of steam, interurban, or street railways, the streets, or other public grounds to which the same applies. No franchise except by ordinance

FRANCHISE ORDINANCE A CONTRACT TO CONTAIN CERTAIN STIPULATIONS.

115. Every franchise ordinance shall be deemed to constitute a contract between the city and the grantee of the franchise, and shall contain the following stipulations on the part of the grantee: Franchise ordinance a contract

(1) The grantee of the franchise agrees that in accepting the franchise he becomes the agent of the city for supplying to its inhabitants the utility in question and as such is entitled to no more than a reasonable return upon his actual investment. Stipulations.

(2) That the value of the property and plant of the grantee for the purpose of fixing rates or purchase price on the part of the city of San Jose shall be determined by an appraisal made by the railroad commission of the state of California.

(3) That the property and plant of the grantee shall be subject to purchase by the municipality, on one year's notice, at the end of twenty years from the time of granting said franchise or at the end of any five-year period thereafter.

(4) That, in the case of steam, interurban, or street railways, or telephone or telegraph companies, the grantee shall within the discretion of the railroad commission permit the city or any other franchise grantee to make joint use with the grantee of all tracks or wires which may be laid on, in, under, or above any streets, highway, alley or other public grounds of the city, upon paying, or tendering, to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks or wires so used, and also of the costs of organization, administration, and any other factor which the railroad commission of the state of California shall fix and determine as justly due to the original grantee for the joint use of such property. The amount and proportion of such costs shall be determined by the railroad commission of the state of California.

(5) That there is reserved to the city the right to adopt and enforce regulations relating to the operation of the utility for the protection of the health, safety and comfort of the people.

(6) That the grantee agrees to replace promptly any pavement or street surface disturbed by it in the exercise of its franchise and put the same into as good condition as the remainder of the street, and that, if the grantee fails to perform this duty that the city may perform it and the grantee shall pay the cost of the same.

(7) That, in the case of a steam or street railway company, the grantee shall construct its tracks, pave, repave, clean,

Stipulations water and keep in repair the space between its tracks and two feet on each side thereof in such manner as the council may direct, and that if the grantee fails to perform this duty the city may do the work and the grantee shall pay the cost of the same.

(8) That for any violation of the terms of the contract embodied in the franchise ordinance the grantee shall forfeit to the city of San Jose any and all rights thereunder and all right and title to the tracks, pipes, wires, conduits or other of its property situate in, under, or above the streets or public ways of the city.

(9) That if the grantee be a steam, interurban, or street railway it will pay a portion of the cost of erecting or repairing bridges on which its tracks are situated, proportioned to the part of the street occupied by its tracks.

(10) That the grantee will complete the construction and begin the operation of the utility within a time to be set forth in the franchise. The franchise ordinance may contain such other conditions, limitations, stipulations, or agreements not in conflict with the provisions of this charter, as the council may deem expedient.

#### TERMS OF THE FRANCHISE.

Term of franchise.

116. The term of no franchise shall exceed fifty years.

#### REVERSION AT END OF FRANCHISE PERIOD.

Reversion at end of franchise period

117. The franchise ordinance may provide that the whole property and plant of the grantee devoted to the purpose of the franchise, shall revert to the city at a valuation to be determined by the railroad commission of the state of California to be paid to the grantee at the expiration of the term of the franchise.

#### RATES AND SERVICE.

Rates and service

118. The council shall except where the railroad commission of the state of California is vested with the right, have power by ordinance to fix rates, to prescribe the character of the service to be rendered, to require the grantee of any franchise to keep its accounts in a prescribed form, to enter upon the premises of such grantee and to examine into and audit its books and accounts, and to require the grantee to make reports from time to time, and to establish penalties for failure to obey such ordinances.

#### ORDINANCE IN PLAIN TERMS.

Ordinance in plain terms.

119. No franchise, permit, privilege or license shall be considered as granted by any ordinance except, when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

ARTICLE XVIII.

BOARD OF LIBRARY TRUSTEES.

120. The public library of the city of San Jose, which shall be forever free to the inhabitants and non-resident taxpayers of the city, and such art galleries, museums or similar institutions as may be from time to time established shall be managed and controlled by the board of library trustees, as constituted at the time of the adoption of this charter, and their successors to be appointed by the city manager for a term of four years as the terms of such trustees expire. They shall serve without compensation.

Board of library trustees.

POWERS OF THE BOARD

121 The board of library trustees shall choose its own officers and adopt rules for the conduct of its meetings

Powers.

The board of library trustees shall appoint a librarian, who shall be the executive officer of the board and other employees, fix their compensation and prescribe their duties

It shall have power to do any or all things not inconsistent with this charter which may be done by boards of library trustees under the laws of the state.

ESTIMATES AND APPROPRIATIONS.

122 At such time as the city manager shall direct the board shall submit a detailed estimate of the probable expense of conducting the library and other institutions under its control and management, together with a statement of its probable income from all sources other than appropriations by the council. These facts, together with the recommendation of the city manager shall be included in his estimate of revenue and expenditures for the ensuing year. The council shall appropriate three lump sums for the use of the board of library trustees:

Estimate of expenses.

1. For the purchase of books and periodicals and binding.
2. For salaries.
3. For repair and maintenance of buildings, rent and other miscellaneous expenses

Claims to be paid out of these appropriations must be based on vouchers signed by the librarian and the chairman of the library board.

Appropriations.

PURCHASE OF SUPPLIES.

123. The board of library trustees shall purchase all supplies except books, periodicals and special library equipment through the purchasing agent

Purchase of supplies.

ARTICLE XIX.

*The School Department.*

THE BOARD OF EDUCATION.

124. The board of education shall consist of five persons to be appointed by the city manager. The members of the present

Board of education.

board of education shall continue to hold office for the unexpired balance of their terms and as such terms expire their successors shall be appointed for a term of four years. In case of vacancy from whatever cause occurring, the city manager shall appoint a successor for the unexpired balance of the term only. The taking effect of this charter shall not be construed as breaking the continuity of the existence of the board of education in office at the time it goes into effect, and such taking effect shall in no wise alter the status, salary, or tenure of any superintendent, principal teacher, or other officer or employee of the board.

#### POWERS OF THE BOARD OF EDUCATION.

Powers.

125. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and laws of the state, and it is hereby charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

The board of education shall determine the time and place for its meetings, and make rules for the conduct of its business. The board of education shall annually elect one of its members to be president. He shall have no other vote than his vote as a member of the board.

#### SUPERINTENDENT OF SCHOOLS

Superintendent of schools

126 The board of education shall elect a superintendent of schools and such deputies and assistants as it may deem necessary, and fix their compensation, which salaries shall not be changed during their term of office.

The superintendent shall hold office for four years from the date of his appointment unless sooner removed for cause and after a full hearing by the affirmative votes of four members of the board.

The board may designate the superintendent, or a deputy or assistant to act as clerk of the board.

The superintendent shall be an *ex officio* member of the board of education but shall have no power to vote. He shall be the executive officer of the board and shall perform such duties as are required by the laws of the state and the orders of the board.

#### APPOINTMENT AND REMOVAL OF TEACHERS.

Appointment and removal of teachers

127. The board of education shall elect all teachers, but only from an eligible list to be determined by an examination into the character and fitness of the candidates conducted by the superintendent and any four principals designated as such examining board by the board of education. The board shall prescribe the nature of the examination and the method of certification by the examining board.

Teachers during the first two years of service in the department and all special teachers shall be subject to annual election.

After two years of service all teachers, other than special teachers, and including deputy or assistant superintendents, shall be classed as permanent teachers and shall hold office

until removed for cause upon the recommendation of the superintendent and the vote of a majority of the board: such vote to be by ayes and noes and recorded in the minutes

No teacher's salary shall be reduced except when there is a corresponding reduction made in all salaries in the same grade

ANNUAL ESTIMATE OF EXPENSES.

128. The board of education shall annually, on such date as the city manager may fix, submit to the city manager a careful estimate of the whole amount of money to be received from the state and county for the support of the school department, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of such department for the ensuing year. The city manager shall include these estimates in his estimate of revenues and expenditures. The city council shall include in and apportion from the annual tax levy a sum of not less than fifteen cents on each one hundred dollars of assessed valuation, to be paid into the school fund of the city.

ARTICLE XX.

*Miscellaneous Provisions.*

ONE DAY OFF IN SEVEN

129. Every paid employee of the city who shall be required to be on duty twenty-four hours each day shall be entitled to one day off in seven, and every board or commission having supervision of such employment shall make rules and regulations providing for one day off in every seven for such employees. No employee shall be allowed to work more than six consecutive days, except in times of great emergency, and a lack of public funds shall in no event be construed as such an emergency.

ACCIDENT INSURANCE FUND.

130. The council may provide for meeting the liability imposed upon this city by the workmen's compensation, insurance and safety act (chapter 176 of the laws of 1913), or any amendment thereof, by appropriating annually a sum sufficient to pay the premium upon a policy of insurance issued by the State of California under the provisions of the above act.

ORDINANCE TO REMAIN IN EFFECT.

131. All lawful ordinances of the city of San Jose, including resolutions and regulations of the several boards and commissions in force and effect at the time this charter takes effect, and not inconsistent therewith, shall remain in force until duly amended or repealed.

GENERAL MISCELLANEOUS PROVISIONS.

132 All monies in the city treasury at the time this charter takes effect, which have been received from the sale of bonds heretofore issued for the construction, improvement or maintenance of the outfall sewer of the city of San Jose, may be

used and employed, with the consent of the city council, in such amount of amounts as may be reasonable for the expense of such preliminary surveys and platting as may be necessary or proper for the purpose of locating or establishing a new or improved route for a location of such outfall sewer. The city council shall pass all ordinances necessary to carry this provision into effect.

Fines collected by librarian

133. All fees, fines or other monies collected by the librarian, shall be paid into the city treasury at least once each week, and all money collected by the superintendent of parks shall likewise be paid into such treasury at least once each week.

Monthly count of money in treasury

134. It shall be the duty of president of the council, the city auditor, and the city attorney to count the money in the city treasury at least once each month, and to see that the amount on hand tallies with the amount that should be in the fund as shown by the books of the city auditor and city treasurer.

City officers shall not appoint relatives.

135. No officer, board, or member of any board, of this city, shall recommend the appointment of, appoint, vote for or elect, to any office, position, or employment, in any department of the city government, any person related by consanguinity or connected by marriage with such officer or such member, or with any member of such board. A breach of this section shall be cause for removal of any such officer, board, or member of such board.

Rights to streets, parks, etc., continued in city.

136. Unless otherwise provided in this charter, the rights and titles of the city in and to its streets, and the land thereunder, its parks, public buildings, water front properties, and all other public places and real property are hereby continued in the city, and are declared to be inalienable, except when otherwise provided by a majority vote of the people. No franchise, or right to use the streets, waters, or any part of, or lands under said streets or waters shall be granted without reserving to the city the power and right of eminent domain.

Office hours

137. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business every day except legal holidays from 8:30 o'clock in the forenoon until 5 o'clock in the afternoon, and all books and records of every office and department shall be open to the inspection of every citizen at any time during business hours subject to the proper rules and regulations for the efficient conduct of the business of each department or office.

#### TAKING EFFECT OF CHARTER.

Time charter takes effect

138. If this charter is approved by the forty-first session of the state legislature, then for the purpose of nominating and electing candidates for councilmen, city auditor and police judge and for the exercise of the initiative, referendum and recall, this charter shall take effect from the time of its approval by said legislature. For all other purposes it shall take effect on the first day of July, 1916.

If said charter should be approved at any subsequent session of the legislature, then and in that event, this charter

shall take effect immediately thereafter, and it shall be the duty of the officers in office at such time to at once call, conduct, hold and declare the result of election, as provided in this charter, for the election of seven councilmen, city auditor and police judge, who shall take office as soon as the result of such election is declared. Time charter takes effect.

WHEREAS, The city of San Jose, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States, did on the 4th day of February, 1915, at a special election held in said city, and under and in accordance with the provisions of section 8 of article XI of the constitution of the State of California, duly choose and elect the undersigned eligible candidates, a board of fifteen freeholders, who thereafter duly qualified in accordance with law.

BE IT KNOWN: That within one hundred and twenty days after the result of the said election was declared, we, the undersigned duly chosen, qualified and acting board of fifteen freeholders under the said provisions of said constitution, have prepared and do hereby propose the foregoing articles as and for the charter of the city of San Jose.

IN WITNESS WHEREOF, we have hereunto set our hands, at the city of San Jose, county of Santa Clara, California, this 15th day of February, A. D. 1915.

ELMER E. CHASE,  
 ROBERT R. SYER,  
 W. L. ATKINSON,  
 L. E. PETREE,  
 ROY NEWBERRY,  
 G. M. FONTAINE,  
 JOHN D. CRUMMEY,  
 W. J. CLOSE,  
 WALTER L. CHRISMAN,  
 H. J. B. WRIGHT,  
 VICTOR CHALLEN,  
 CHAS. M. O'BRIEN,  
 JOHN J. MILLER,  
 IRVING L. RYDER,  
 V. KOCH.

Filed this 15th day of February, A. D. 1915.

We hereby request the city council to order publication of this charter, as is provided by law, on the 17th day of

Date of  
charter  
election

February, 1915, and we fix April 19, 1915, as the date for holding a special municipal election to submit this charter to a vote of the people.

ELMER E. CHASE,  
ROBERT R. SYER,  
W. L. ATKINSON,  
L. E. PETREE,  
ROY NEWBERRY,  
G. M. FONTAINE,  
JOHN D. CRUMMEY,  
W. J. CLOSE,  
WALTER L. CHRISMAN,  
H. J. B. WRIGHT,  
VICTOR CHALLEN,  
CHAS. M. O'BRIEN,  
JOHN J. MILLER,  
IRVING L. RYDER,  
V. KOCH.

(Endorsed—Filed this 15th day of February, A. D. 1915,  
Roy E. Walter, City Clerk.)

Certificate. STATE OF CALIFORNIA, }  
City of San Jose. } ss.

I, ROY E. WALTER, City Clerk of and for the City of San Jose, hereby certify the above and foregoing to be a full, true and correct copy of the proposed Charter for the City of San Jose, as prepared and proposed by a board of fifteen freeholders thereof and filed in the office of the City Clerk of said City February 15th, 1915.

IN WITNESS WHEREOF, I have hereunto set my hand, and have affixed the seal of said city, this 16th day of February, 1915.

ROY E. WALTER,  
City Clerk of the City of San Jose.

Seal, City of  
San Jose.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City to be affixed this 21st day of April, 1915.

F. R. HUSTED,  
Mayor of the City of San Jose.

[SEAL]

ROY E. WALTER,  
City Clerk of the City of San Jose.

AND WHEREAS, said charter has been submitted to the legislature of the State of California for approval or rejection as a whole, without alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

*Resolved by the senate of the State of California, the assembly concurring,* a majority of the members elected to each house voting therefor and concurring therein, That said charter as proposed to, and adopted and ratified by said city of San Jose, and as hereinabove fully set forth, be and the same is hereby approved as and for the charter of the city of San Jose. Approval by legislature

CHAPTER 50.

*Senate Concurrent Resolution No. 22, relative to the correction of erroneous reports regarding California's experience under woman suffrage.*

[Filed with Secretary of State May 12, 1915]

WHEREAS, The issue of woman suffrage is pending in many states of the union; and

WHEREAS, The operation and effect of the enfranchisement of women in California is being constantly misrepresented in such states and used there as arguments in opposition to the granting of suffrage to women; therefore, be it

*Resolved by the senate of the forty-first session of the legislature of the State of California, the assembly concurring,* That the experience of this state amply justifies the adoption of woman suffrage by the people in October, 1911; and be it further Woman suffrage approved

*Resolved,* That so successful has been the operation and effect of granting political rights to women equal to those held by men, that it is generally conceded that were the question to be again voted on by the people of this state, it would be re-endorsed by an overwhelming majority; and be it further

*Resolved,* That the adoption of woman suffrage by California is one of the important factors contributing to the marked political, social and industrial advancement made by our people in recent years, and that any disparagement of the cause of woman suffrage attempted elsewhere on the ground that woman suffrage is not satisfactory to this state, has no basis in fact, and is signally disproved by the acknowledged intelligence and discrimination shown by women voters in the settling of our great political and industrial problems at the polls.

## CHAPTER 51.

*Senate Concurrent Resolution No. 23, relative to leaves of absence of the governor, lieutenant governor and the members of the senate and assembly of the forty-first session of the legislature of the State of California.*

[Filed with Secretary of State May 12, 1915.]

Leave of  
absence  
granted  
governor, etc

*Resolved by the senate, the assembly concurring,* That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to his excellency, Hiram W. Johnson, governor of the State of California; to John M. Eshleman, lieutenant governor of the State of California; and to the following members of the senate and assembly of the forty-first session of the legislature of the State of California:

Senators John N. Anderson, John W. Ballard, D. J. Beban, Henry S. Benedict, Frank H. Benson, E. S. Birdsall, A. H. Breed, William E. Brown, Edwin M. Butler, A. E. Campbell, William J. Carr, W. F. Chandler, Prescott F. Cogswell, P. C. Cohn, John Jos. Crowley, W. E. Duncan, Jr., Thos. F. Finn, Lawrence J. Flaherty, William R. Flint, Fred C. Gerdes, George J. Hans, J. L. C. Irwin, Herbert C. Jones, William Kehoe, Lyman M. King, Edgar A. Luce, Henry H. Lyon, L. J. Maddux, D. W. Mott, James C. Owens, Claude F. Purkitt, Benjamin F. Rush, William S. Scott, Wm. B. Shearer, Herbert W. Slater, Ed. K. Strobridge, J. W. Stuckenbruck, Newton W. Thompson, Edward J. Tyrrell, and Edward I. Wolfe.

Assemblymen Frank W. Anderson, Paul J. Arnerich, George W. Ashley, William A. Avey, Alfred L. Bartlett, George Beck, Richmond P. Benton, Knox Boude, A. E. Boyce, Henry W. Brown, Maurice B. Browne, Bismarck Bruck, Joe C. Burke, James J. Byrnes, Victor J. Canepa, L. B. Cary, Harry A. Chamberlin, Walter W. Chenoweth, W. M. Collins, Grant Conard, Lewis L. Dennett, George W. Downing, Lawrence Edwards, Roger G. Edwards, Edward S. Ellis, Harry A. Encell, Daniel Ferguson, Howard J. Fish, Lee Gebhart, George Gelder, Chas. W. Godsil, W. W. Harris, Henry Hawson, D. R. Hayes, J. J. Hayes, Geo. H. Johnson, Fred E. Judson, Wm. P. Kennedy, Robert I. Kerr, Ira E. Kramer, W. A. Long, L. I. Lostutter, Chas. W. Lyon, C. C. McCray, J. J. McDonald, Walter A. McDonald, Jas. S. McKnight, H. E. McPherson, J. E. Manning, Jos. E. Marron, B. B. Meek, Frank H. Mouser, J. A. Pettis, John S. Phelps, Peter C. Phillips, N. J. Prendergast, John F. Quinn, H. B. Ream, E. S. Rigdon, Frank N. Rodgers, Jos. A. Rominger, James J. Ryan, Geo. W. Salisbury, Wm. T. Satterwhite, Milton L. Schmitt, Chas. E. Scott, Fred C. Scott, L. D. Scott, Wm. R. Sharkey, A. F. Shartel, Elmer L. Sisson, Lewis A. Spengler, L. N. Tabler, H. J. Widenmann, Robert E. Wills, Harry A. Wishard, Henry W. Wright, T. M. Wright, and C. C. Young.

CHAPTER 52.

*Senate Joint Resolution No. 15, relative to making a national forest of the Pinnacles forest reserve and certain vacant land lying contiguous thereto.*

[Filed with Secretary of State May 12, 1915.]

WHEREAS, The original Pinnacles forest reserve and certain vacant land lying contiguous thereto is a natural deer and quail country where deer and quail and other game birds and animals have multiplied rapidly; now, therefore, be it

*Resolved by the senate and assembly of the State of California, jointly,* That we hereby petition the congress of the United States to act favorably upon the request that the Pinnacles forest reserve and certain vacant land lying contiguous thereto be made into a national park; and be it further

Petition to make Pinnacles forest reserve a national park.

*Resolved,* That our senators be instructed and our representatives in congress be requested to use all honorable means necessary and appropriate to secure the enactment of the necessary legislation therefor; and be it further

*Resolved,* That the governor of the State of California be, and he is hereby, requested to transmit a certified copy of these resolutions to the president of the senate of the United States and to the speaker of the house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 53.

*Senate Joint Resolution No. 16, memorializing the president of the United States, the secretary of the interior and congress to take immediate action to establish a policy for the development of the oil lands of the United States.*

[Filed with Secretary of State May 12, 1915.]

WHEREAS, The oil industry of the State of California is one of the most important industries of the state, an industry in which vast sums of money have been invested in good faith and in which the State of California leads all the other states of the union; and

WHEREAS, The continued development of the oil lands of the state is essential to the continuance of this great industry and such development has been, and now is, seriously hampered by the chaotic condition of the federal laws governing the same, due in part to the inapplicability of the mineral laws of the United States to the oil industry, and the confusion resulting from the various executive withdrawal orders, and

the conflicting decisions of the courts and the department of the interior; therefore, be it

Policy for  
development  
of oil land.

*Resolved by the senate, the assembly concurring,* That the president of the United States, the secretary of the interior, and congress, be memorialized urging that steps be immediately taken by the government to lay down and establish a fixed and definite policy covering the condition referred to; and further be it

*Resolved,* That a copy of this resolution be sent to every member of the house of representatives and of the senate of the United States, and to the secretary of the interior, and to the president of the United States.

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#### CHAPTER 54.

*Assembly Concurrent Resolution No. 21, relative to adjourning sine die of the forty-first session of the legislature of the State of California, to fix a day for said adjournment.*

[Filed with Secretary of State May 12, 1915.]

Adjournment  
sine die

*Resolved by the assembly, the senate concurring,* That the forty-first session of the legislature of the State of California adjourn *sine die* at the hour of eight p m., Sunday, May ninth, nineteen hundred fifteen.

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#### CHAPTER 55.

*Assembly Concurrent Resolution No. 26, relative to a legislative investigation as to the advisability of the compilation of school textbooks within this state; sectional textbooks for individual use; and the introduction of free textbooks in the secondary schools of the State of California.*

[Filed with Secretary of State May 12, 1915.]

WHEREAS, The purchase of textbook plates and the annual payment of royalties amounts to a sum greater than would necessarily be expended if this work was compiled by California authors; and

WHEREAS, There is a sentiment among the school faculties and parents of school children, that the books should be issued in sections to cover a term instead of several years, and used by but one pupil; and

WHEREAS, The issuance of free textbooks to the students of the elementary schools has proved a success, both in educational advantages and economy; therefore, be it

*Resolved by the assembly, the senate concurring,* That the speaker of the assembly shall appoint three members, and the president of the senate shall appoint three members, who shall

Free  
textbooks  
committee

act as a committee of the legislature to investigate the matters contained in this resolution and the advisability and means of furnishing textbooks free to the students of the secondary schools of the state, and all matters relating thereto, and to report their findings in full to the forty-second session of the legislature; and be it further

*Resolved*, That the committee shall have power to employ a secretary and such other assistants as it may deem necessary, and that the expenses incurred in such investigation, not to exceed the sum of two thousand dollars, shall be paid equally by the assembly and the senate out of their respective contingent funds.

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CHAPTER 56.

*Assembly Concurrent Resolution No. 28, relative to leave of absence of Richard E. Collins, member of the state board of equalization, third district.*

[Filed with Secretary of State May 12, 1915.]

*Resolved by the assembly, the senate concurring*, That leave of absence from the State of California for a longer period than sixty days, during his term of office, is hereby granted to Richard E. Collins, member of the state board of equalization, third district.

Leave of  
absence  
granted  
R. E.  
Collins

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CHAPTER 57.

*Assembly Joint Resolution No. 22, relative to the re-enactment of section nine of an act of congress, approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain states and territories to the construction of irrigation works for the reclamation of arid lands," which section nine was repealed by an act of congress, approved June 25, 1910, entitled "An act to authorize advances to the 'reclamation fund' and for the sale and disposal of certificates of indebtedness in reimbursement thereof and other purposes."*

[Filed with Secretary of State May 12, 1915.]

WHEREAS, The act of congress approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain states and territories to the construction of irrigation works for the reclamation of arid lands," provided that the money received from the sale of public lands in sixteen western states, including the State of California, could be used for the construction and maintenance of irrigation works for the storage, division and development

Arid lands  
act of  
June 17  
1902

of waters for the reclamation of arid and semi-arid lands in said states and territories by the secretary of the interior; and

WHEREAS, By said section nine the secretary of the interior was required within ten years after the passage of said act to equalize among said states and territories the expenditures for the benefit of said states and territories according to the proportions and subject to the conditions as to practicability and feasibility; and

WHEREAS, The sales of public lands within the State of California have since said enactment amounted to about eight million dollars; and

WHEREAS, There are many million acres of arid lands and semi-arid lands in the State of California, which could have been reclaimed under said act; and

WHEREAS, About one million dollars was expended in California while the amount expended in any one of the other states was not less than eight millions; and

WHEREAS, The congress of the United States by an act approved June 25, 1910, entitled "An act to authorize advances to the 'reclamation fund' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," repealed said section nine of said act and thereby deprived the secretary of the interior of the power to use the proportionate part of said money to which the State of California was entitled to reclaim the arid and semi-arid lands therein; and

WHEREAS, Under said act, and from the sale of public lands aforesaid, the State of California was and is now entitled to about four million dollars in addition to said one million already received; now, therefore, be it

Re-enact-  
ment of  
section 9  
requested.

*Resolved by the senate and the assembly, jointly,* That our senators in congress be instructed and our representatives in congress be requested to use all honorable means to secure the re-enactment of said section nine of said original act and such other laws as are necessary to obtain for the State of California said money to which it was entitled and the same to be used in the construction of irrigation works and the reclamation of the arid and semi-arid lands therein.

CHAPTER 58.

*Assembly Joint Resolution No. 29, requesting congress at its next session in Washington, D. C., to grant relief to the viticultural interests of California by repealing or amending the act approved October 22, 1914, increasing the revenue tax on brandy used in fortification of sweet wines from three cents to fifty-five cents per proof gallon.*

[Filed with Secretary of State May 12, 1915.]

WHEREAS, By an act, entitled "An act to increase the revenue and for other purposes," approved October 22, 1914, congress increased the revenue tax on brandy used in fortification of sweet wines from three cents a proof gallon to fifty-five cents per proof gallon, and according to the official opinion received from the treasury department made no provision for nullifying such increase after the end of the year 1915; and

WHEREAS, Such increase of tax and the automatic additional increase to one dollar and ten cents per proof gallon after January 1, 1916, will have the effect of practically preventing the use of California grapes for sweet wines in California for all time to come; and

WHEREAS, Such prohibitive taxation not only defeats its own object of acquiring revenue, but deals a crushing blow to the entire vineyard interests of California as explained by Bulletin No. 4 just issued by the state board of viticultural commissioners; therefore, be it

*Resolved by the senate and assembly, jointly, That congress* <sup>Relief from</sup> <sub>revenue tax</sub> <sub>on brandy.</sub> *be requested through California's representatives and senators, and through the state board of viticultural commissioners of this state, to grant such immediate relief by necessary legislation at its next session as will assure the preservation of our viticultural industry, which in California alone represents an investment of one hundred and fifty million dollars.*